

# **Cleveland Eviction Right to Counsel Annual Independent Evaluation January 1, 2022 to December 31, 2022**

Prepared for: Cleveland City Council

January 31, 2023

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# Section I-Executive Summary

In September 2020, Stout was engaged as the three-year evaluator of Cleveland’s Eviction Right to Counsel (RTC-C). Over the past two-and-a-half years, Stout has worked with United Way of Greater Cleveland (United Way) and The Legal Aid Society of Cleveland (Cleveland Legal Aid) to collect and analyze data, learn from the experience and expertise of Cleveland eviction ecosystem stakeholders including Cleveland Legal Aid staff attorneys, paralegals, and attorneys representing rental property owners, and develop an iterative approach to evaluation.

### *Key Findings*

The second full year of RTC-C occurred amidst a variety of economic and labor market challenges including significant inflation, a tight rental housing market, ongoing impact from the COVID pandemic, and increased demand for workers, including attorneys. Cleveland Legal Aid has continued its commitment to assist RTC-C clients in achieving their goals and collecting data to demonstrate the impact of its services. Data and metrics in this evaluation report cover three primary time periods:

- July 1, 2020 through December 31, 2022 (i.e., the launch of RTC-C through the most recent data reporting available from Cleveland Legal Aid)
- January 1, 2021 through December 31, 2021 (i.e., the first full year of RTC-C implementation)
- January 1, 2022 through December 31, 2022 (i.e., the second full year of RTC-C implementation)<sup>1</sup>

When appropriate and material, this evaluation report compares metrics from these time periods to demonstrate changes over time or impacts since the launch of RTC-C.

### *Cleveland Legal Aid Attorneys Were Overwhelmingly Able to Assist Clients in Achieving Their Eviction Case Goals*

Since RTC-C began in July 2020, Cleveland Legal Aid has helped clients achieve 86% of all client case goals. Figure 1 shows the five most common RTC-C client case goals with the frequency of the goal being achieved, the number of clients with the goal, and the percentage of clients with that goal.

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<sup>1</sup> Certain metrics using Cleveland Municipal Court data may be through November 30, 2022, and certain metrics using Cleveland Legal Aid data may be through December 15, 2022. No material difference is expected in these metrics if they were calculated through December 31, 2022.

Client Goal	Since July 2020		
	Frequency Goal was Achieved	# of RTC-C Clients with Goal [a]	% of RTC-C Clients with Goal [b]
Prevent eviction judgment or involuntary move	90%	1,687	83%
Secure time to move (30 days or more)	91%	622	41%
Secure rent assistance	79%	773	38%
Mitigate damages	94%	548	27%
Secure monetary relief	94%	225	11%

[a] Clients can have multiple goals for their case.  
 [b] Total will be greater than 100% because clients can have multiple goals for their case.

**Figure 1**

When RTC-C clients discuss their goals with Cleveland Legal Aid during the intake interview, the client is asked whether they want to stay in their home. Approximately 56% of RTC-C clients indicated that they wanted to stay in their home, approximately 43% indicated that they did not, and approximately 1% indicated they had already left their home.<sup>2</sup> In instances where RTC-C clients do not want to stay in their home, Cleveland Legal Aid attorneys assist with securing an appropriate amount of time for them to move, minimizing the impact of abrupt moving.

### *Cleveland Legal Aid Significantly Increased Access to Legal Representation*

From 2011-2019, the Cleveland Municipal Court docket data indicates approximately 1%-2% of all tenants in eviction proceedings were represented. In 2020, when RTC-C was available for six months of the year, approximately 10% of all tenants were represented. In 2021, approximately 17% of all tenants in Cleveland were represented, and in 2022 (through September 30, 2022) approximately 16% of all tenants were represented.<sup>3</sup> The significant increase in tenant representation rates is a direct result of RTC-C.

Due to RTC-C eligibility requirements, which are the most restrictive in the United States among jurisdictions with eviction right to counsel programs, (household income of 100% or less of the Federal Poverty Level (FPL) and at least one child in the household), it is important to understand the likely percentage of tenants *eligible* for RTC-C who are represented in contrast to the percentage of *all* tenants who are represented (i.e., the metrics stated in the previous paragraph).

<sup>2</sup> During the fourth quarter of 2022, Cleveland Legal Aid began collecting data to indicate whether the client remained in their home at the end of the case. As of December 31, 2022, there were fewer than 100 responses were recorded. Stout will begin analyzing this data point in the first quarter of 2023 as more cases are closed and this information is recorded.

<sup>3</sup> The 16% defendant representation rate does not include cases from October 2022 through December 2022. These cases were excluded from the defendant representation rate because the docket data may not yet reflect representation by counsel and may significantly understate the defendant representation rate if included.

Stout analyzed emergency rental assistance application data from CHN Housing Partners, the number of eviction filings in Cleveland, and the number of RTC-C cases to estimate the representation rate for RTC-C eligible tenants. Data available from Cleveland Municipal Court related to eviction filings does not include data regarding household income or the presence of children in the home. Therefore, the number and percentage of households that may be eligible for representation through RTC-C must be estimated.

Based on its analysis, Stout estimates that in 2022, Cleveland Legal Aid has represented approximately 79% of all Cleveland households facing eviction and likely eligible for RTC-C. In 2021, Stout estimates Cleveland Legal Aid represented approximately 60% of all households likely eligible for RTC-C. The estimated representation rate of eligible RTC-C households increased 19 percentage points from 2021 to 2022.

### *RTC-C Clients Identify Disproportionately as Female and Black Compared to Cleveland's Population*

Approximately 81% of RTC-C clients identified as female, and approximately 72% of RTC-C clients identified as Black. This compares to Cleveland's population which is 52% female and 47% Black. Eviction Right to Counsel clients in Milwaukee County and Connecticut are also disproportionately female and Black or African American. Furthermore, Cleveland eviction filings in 2022 (through November 30, 2022) were concentrated in census tracts with non-white majority populations. Approximately 43% of all eviction filings in Cleveland were in majority Black or African American census tracts; approximately 37% were in census tracts with no racial/ethnic majority.

### *RTC-C Clients Are Experiencing Substantive Legal Issues Beyond Non-Payment of Rent*

Stout's evaluation found that while most eviction filings in Cleveland, (and throughout the country) are brought for non-payment of rent, there are often substantive legal issues or procedural deficiencies with how the case was brought. Tenants seeking representation through RTC-C often do so because they want an attorney to assist them with substantive legal issues with their case, potential defenses, or they are experiencing challenges within the household exacerbating the trauma of the eviction process. In jurisdictions where Stout has conducted evaluations of eviction right to counsel/eviction defense programs, attorneys representing tenants in eviction proceedings have communicated (and the data collected has shown) that tenants are often trying to navigate complex situations related to their eviction. Stout analyzed data from the client intake interview to determine the frequency with which RTC-C clients who received extensive service indicated they were experiencing at least one complex case criteria (82% are experiencing defective conditions, for example). In 2022, approximately 86% of RTC-C clients were experiencing at least one complex case criteria, and in 57% of RTC-C cases, clients were experiencing multiple complex case criteria. Stout's evaluation of Connecticut's and Milwaukee's eviction right to counsel program found 100% and 86% (respectively) of closed extensive service cases had at least one complex case criteria. Additionally, approximately 56%

of RTC-C clients in 2022 had potential legal defenses in their cases, and of the 56% with potential legal defenses, approximately 69% had potential affirmative legal defenses or local rule violations in their cases.

### *RTC-C Creates Economic and Fiscal Benefits*

Stout estimates that between July 1, 2020 and December 31, 2022, Cleveland or Cuyahoga County likely realized economic and fiscal benefits of between \$11.8 million and \$14 million as a result of RTC-C.<sup>4</sup> Over the same period, the total investment in RTC-C was \$4.5 million, resulting in an estimated return on investment between \$2.62 and \$3.11.<sup>5</sup> The estimated benefits Stout quantified were related to:

- Economic value preserved by retaining residency in Cleveland or Cuyahoga County - \$4.3 million to \$5.1 million
- Cost savings related to housing social safety net responses - \$2.9 million to \$3.5 million
- Sustained education funding for children in CMSD schools - \$2.4 million to \$2.9 million
- Out-of-home foster care placements - \$1.7 million to \$2 million
- Cost savings related to Medicaid spending on health care - \$400,000 to \$500,000.

Stout's preliminary estimate of fiscal impact is likely significantly understated. Included in the calculation are benefits of RTC-C that can be quantified based on currently available data. However, Cleveland or Cuyahoga County (as well as Ohio) would likely realize additional benefits that are not currently quantifiable based on available data. These benefits that are not currently quantifiable include but are not limited to:

- The education costs, juvenile justice costs, and child welfare costs associated with children experiencing homelessness
- The effects of stabilized employment and income, and the economic and tax benefits to the state associated with consumer spending
- The negative impact of eviction on tenants' credit score, ability to re-rent, and the potential loss of a subsidized housing voucher

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<sup>4</sup> The fiscal impacts of RTC-C only apply to RTC-C cases, and only a portion of RTC-C clients are expected to require a social services response if they were to be forced to move without legal assistance. For example, only 16% of RTC-C clients indicated that if they were forced to move, they would enter emergency shelter. It is important to appreciate that RTC-C clients are significantly more likely to experience the type of disruptive displacement that increases the likelihood of needing a social services response. Stout does not assume all RTC-C clients would require a social services response if they were not represented through RTC-C. Rather, Stout expects that – based on its research and work with legal aid organizations and community-based organizations throughout the country – without legal representation there is a greater risk of disruptive displacement for RTC-C clients.

<sup>5</sup> The City of Cleveland provided \$500,000 in funding for RTC-C.

- The cost of providing public benefits when jobs are lost due to eviction or the eviction process
- The cost of mental health care
- Certain additional costs associated with homelessness, such as additional law enforcement and incarceration costs
- The cost of family, community, and neighborhood instability
- Preservation of financial and personal assets
- A reduction, over time, in the number of eviction cases filed resulting in improved use of Cleveland Municipal Court resources.

### *Feedback from the Rental Property Owner Community Can Inform Opportunities to Refine RTC-C and Create New, Impactful Programs Complementary to RTC-C*

Feedback about eviction right to counsel from the rental property owner community and their counsel (in Cleveland and throughout the country where Stout is working) has often centered on several key themes: (1) rental property owners and their counsel appreciate that there are circumstances where it is important that tenants have legal representation in eviction cases; (2) rental property owners believe pre-filing eviction diversion, mediation, and sustained, efficient emergency rental assistance are essential complements to eviction right to counsel programs and the ability to promptly resolve eviction cases, although there are frustrations with prior administration of emergency rental assistance programs; and (3) rental property owners may adopt more stringent and robust tenant screening requirements, not necessarily as a direct response to eviction right to counsel programs, but rather in response to their experiences throughout the COVID-19 pandemic and various other renter protections, court processes and changes to rental housing markets. Feedback from the rental property owner community can be helpful to inform the effective implementation of eviction right to counsel programs, as well as to assist in identifying, designing and implementing programs that may be complementary to eviction right to counsel programs and provide pathways to the early and effective resolution of eviction cases and, when possible, the prevention of eviction cases altogether.

### *Cleveland Legal Aid Has Made a Significant Commitment to Data Collection and Iterative Evaluation*

Cleveland Legal Aid's dedication to data collection has been critical for developing a data-oriented approach to the RTC-C evaluation over the past two and a half years. In late 2020, Cleveland Legal Aid expanded its data collection, investing significantly in a comprehensive client interview process to understand clients and their circumstances more deeply. Based on the data collected by Cleveland Legal Aid, Stout evaluated the client goals achieved, analyzed client household demographics and case characteristics (including case complexities), and estimated the preliminary fiscal impacts of RTC-C. These quantitative analyses were combined with and informed by qualitative feedback from Cleveland Legal Aid, rental property owners, tenants, and other Cleveland eviction ecosystem stakeholders.



Throughout 2022, Cleveland Legal Aid worked to refine data collection by creating structured data elements for attorneys' case closing memos. Case closing memos contain valuable information regarding what happened in the case, for example, the amount of time secured to move (if the client moved), whether counterclaims or affirmative cases were filed, how the first causes (eviction claim) and second causes (claim for money damages) resolved, and whether the client owed less than they would have if they were not represented. Stout will begin analyzing these data points as more RTC-C cases are closed in early 2023.

## Section I-Evaluation Findings

## *Important Context for Understanding Evaluation Findings for 2022*

Throughout 2022 various external factors impacted Cleveland’s eviction ecosystem and RTC-C. External factors related to the COVID-19 pandemic, the overall economy and labor market, and the winding down of emergency rental assistance are important context for understanding Stout’s evaluation findings and the system in which RTC-C operated in 2022.

### *Economic and Labor Market Factors*

The third year of RTC-C occurred in a unique and challenging economic environment. From September 2021 to September 2022, the Consumer Price Index (CPI) increased by approximately 8%.<sup>6</sup> The CPI measures changes in prices paid by consumers in the United States for goods and services.<sup>7</sup> Shelter, which includes rent, is the largest component of the CPI accounting for approximately 30% of the overall measure of inflation.<sup>8</sup> Throughout the country, tens of millions of renters have experienced significant increases in rent as demand for rental housing increases and vacancy rates decrease post-pandemic. However, renters with low incomes are disproportionately impacted by inflation, increased rent, and decreased rental availability. As pandemic aid ended and inflation began increasing in June 2021, eviction filings nationwide have largely returned to pre-pandemic levels partly because of the significant increases in rent.<sup>9</sup>

From 2017-2019, rental property owners filed an average of approximately 7,900 evictions filed in Cleveland each year. In 2020-2021, there was an average of 4,300 annual eviction filings. From January 1, 2022 through November 30, 2022, approximately 5,000 evictions were filed in Cleveland. The eviction filings in 2022 were approximately 37% fewer filings than the 2017-2019 annual average but approximately 16% more filings than the number of filings in 2020-2021. In other jurisdictions in which Stout is conducting eviction right to counsel evaluations – Connecticut and Milwaukee County, for example – eviction filings in 2022 have increased beyond pre-pandemic levels by 10%-20%. It is possible that the availability of emergency rental assistance throughout 2022 in Cleveland contributed to eviction filings in 2022 not exceeding pre-pandemic levels as observed in these other jurisdictions.

Pandemic-era tenant protections, including eviction moratoria and the availability of emergency rental assistance, have also impacted rental property owners. Stout has learned through its eviction right to counsel work throughout the country that many rental property owners are frustrated by the emergency rental assistance process and so are unwilling to accept emergency rental assistance in jurisdictions where it is still available. Rental property owners

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<sup>6</sup> “Consumer Price Index – September 2022.” Bureau of Labor Statistics, U.S. Department of Labor. October 2022.

<sup>7</sup> Ibid.

<sup>8</sup> “Measuring Price Change in the CPI: Rent and Rental Equivalence.” Bureau of Labor Statistics, U.S. Department of Labor. March 2022.

<sup>9</sup> Fulford, Scott. “Office of Research blog: Housing inflation is hitting low-income renters.” Consumer Financial Protection Bureau. July 2022.

are conducting additional tenant screening, increasing the amount of security deposits and application fees, and are less willing to enter repayment agreements, instead focusing on eviction.

The pandemic has also impacted the labor market significantly over the past two years. In 2021, more than 47 million people quit their jobs in what came to be known as “The Great Resignation.”<sup>10</sup> However, “The Great Resignation” became “The Great Reshuffle” as more than half of people who quit their jobs switched occupations rather than leaving the workforce.<sup>11</sup> This labor market disruption has presented hiring challenging across industries. A 2022 survey by Robert Half, a global human resources consulting firm, found that 88% of law firm survey respondents in the United States said it is challenging to find skilled professionals.<sup>12</sup> Through its work evaluating eviction right to counsel and eviction defense programs in jurisdictions across the country, including Cleveland, Stout has learned from legal services providers that the dynamics of the current labor market are impacting capacity and their ability to hire and retain staff to meet the demand for their services.

### *Winding Down of Emergency Rental Assistance*

As of December 2, 2022, new applications for emergency rental assistance were no longer accepted by Cleveland Housing Network (CHN). In Cleveland, new applications for emergency rental assistance decreased significantly beginning in January 2022. During the fourth quarter of 2021, there were approximately 2,800 applications for emergency rental assistance, and during the first half of 2022, there were approximately 2,000 – a decrease of approximately 29%. During the second half of 2022, there was an increase in the number of emergency rental assistance applications, as a result of CHN announcing that no new applications would be accepted after December 2, 2022.

Stout has heard concerns from jurisdictions throughout the country regarding the lack of sustained emergency rental assistance in a tight housing market with increasing rents and low vacancy rates. Housing advocates and rental property owners have experienced the impact that emergency rental assistance can have when trying to efficiently and effectively prevent and resolve eviction cases. Advocates are concerned about their continued ability to resolve cases and minimize disruptive displacement among tenants without ongoing emergency rental assistance. The next section details Stout’s analyses of emergency rental assistance application data shared by CHN.

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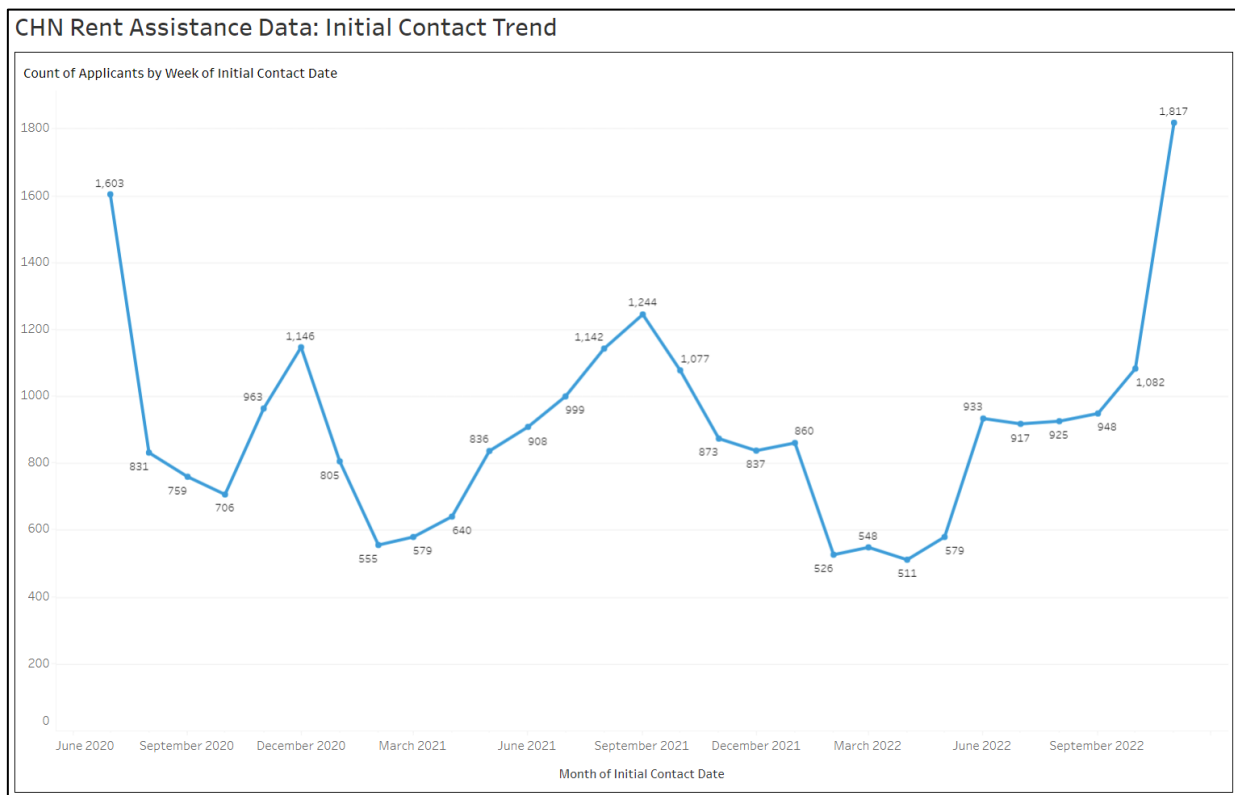
<sup>10</sup> “Understanding American’s Labor Shortage: The Most Impacted Industries.” U.S. Chamber of Commerce. October 2022.

<sup>11</sup> Meister, Jeanne. “The Great Resignation Becomes The Great Reshuffle: What Employers Can Do To Retain Workers.” Forbes. April 2022.

<sup>12</sup> “The Demand for Skilled Talent – 2022 Hiring and Employment Trends.” Robert Half. 2022.

## Analysis of Emergency Rental Assistance Program Data

Cleveland’s emergency rental assistance program stopped accepting new applications on December 2, 2022. Stout analyzed data collected by CHN for unique applications submitted through November 30, 2022. Since July 2020, CHN has received approximately 26,000 unique applications for emergency rental assistance from applicants living in Cleveland. From January 1, 2022 through November 30, 2022, CHN received approximately 9,700 unique applications for emergency rental assistance from applicants living in Cleveland. During that same period (from January 1 through November 30, 2022), emergency rental assistance was provided to approximately 2,600 (27%) of the Cleveland residents who applied. Figure 2 shows the monthly number of unique applications received by CHN for Cleveland residents. CHN indicated the significant increase in unique applications received from October 2022 to November 2022 was a result of CHN communicating to residents and stakeholders that CHN would no longer accept new applications on December 2, 2022.

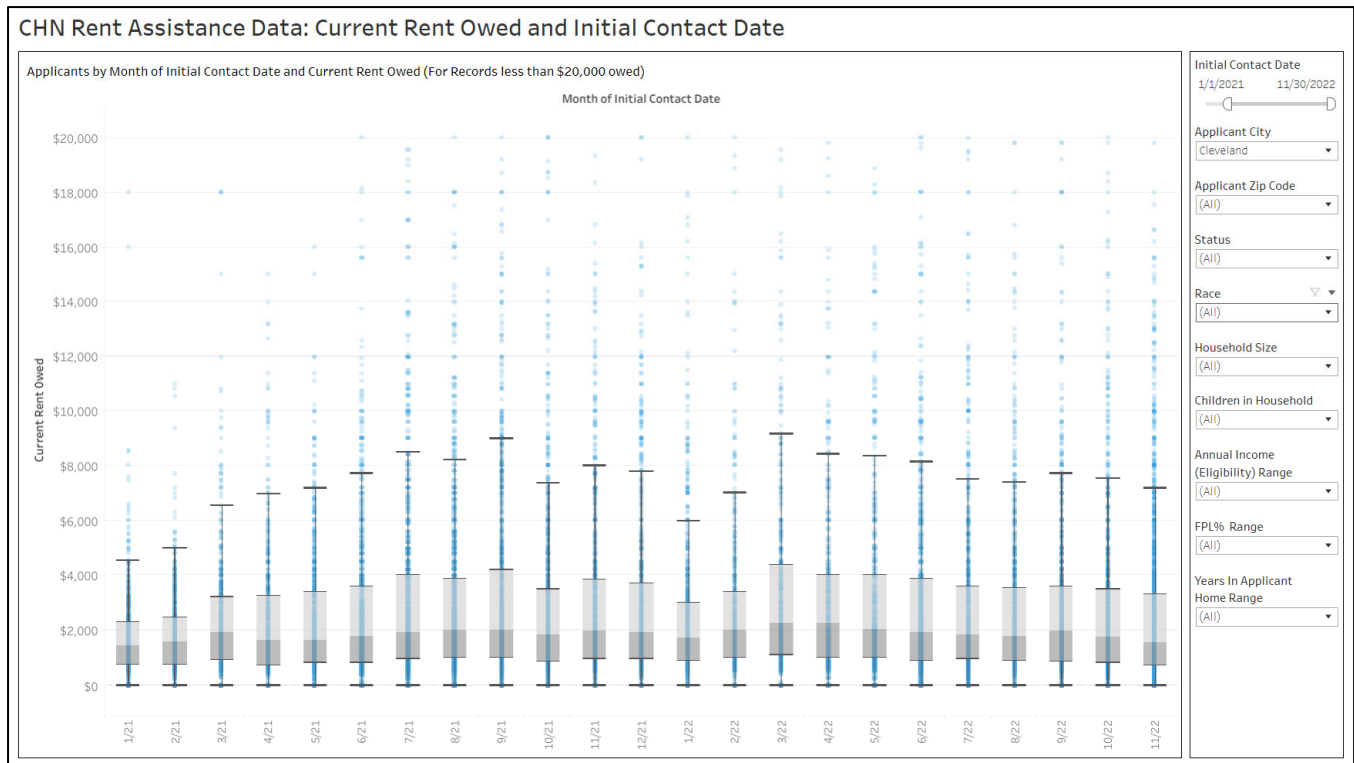


**Figure 2**

The box and whisker chart shown in Figure 3 illustrates the amount of rent owed by applicants for each month.<sup>13</sup> Box and whisker charts show distributions. The dark grey box indicates the

<sup>13</sup> The figure includes data from January 1, 2021 through July 31, 2022. Data for August through November 2022 is excluded because there were only 3 applications in August, 1 application in September, 0 applications in October, and 2 applications in November. The visualization is only for applications of \$20,000 or less.

first quartile (25<sup>th</sup> percentile) of data, and the light grey box indicates the third quartile (75<sup>th</sup> percentile) of data. The line separating the boxes indicates the median of the data, and the lower whisker (line) and upper whisker show all data points within 1.5 times the interquartile range (i.e., first quartile to third quartile).

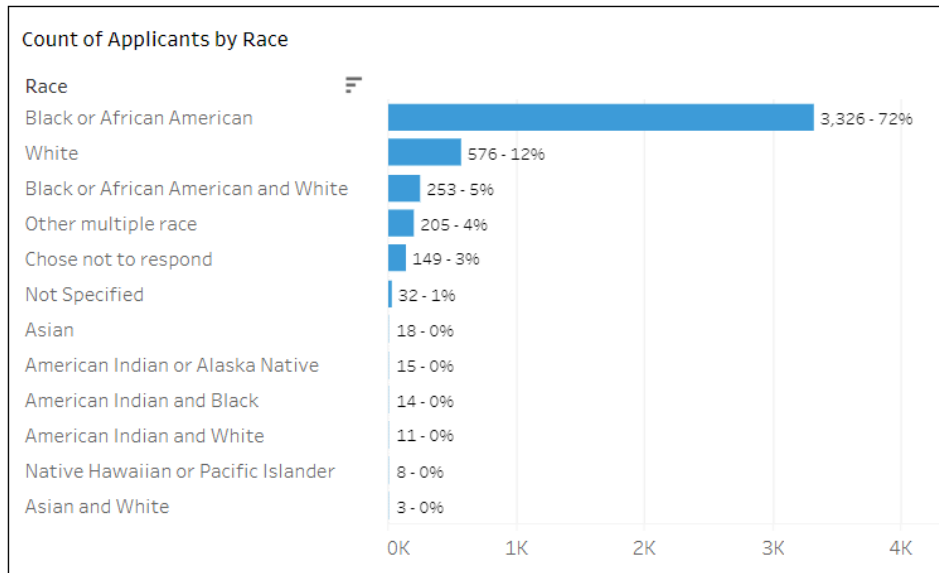


**Figure 3**

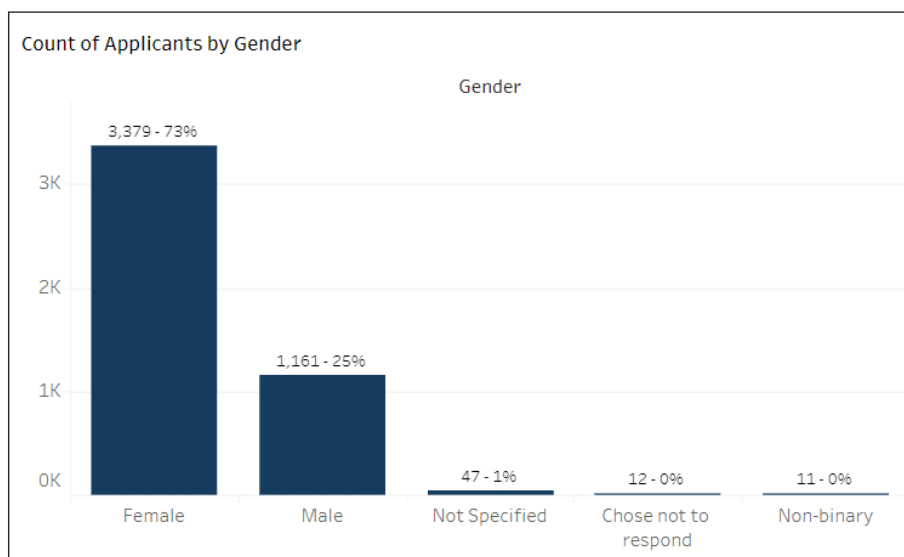
From January 2021 through July 2021, the distribution of rent owed by rental assistance applicants in Cleveland increased (i.e., an increase in the position of the upper whisker). During this period, the median amount of rent owed ranged from approximately \$1,500 to approximately \$2,000 while the upper whisker amount ranged from approximately \$4,600 to approximately \$8,500. From August 2021 to February 2022, the median amount of rent owed remained consistent at approximately \$2,000. From March 2022 to July 2022, the median amount of rent owed decreased from approximately \$2,300 to approximately \$1,900 while the upper whisker amount decreased from approximately \$9,200 to \$7,900.

Like eviction filings in Cleveland, emergency rental assistance applicants in Cleveland were disproportionately Black or African American and female. Approximately 72% of applicants were Black or African American compared to Cleveland’s overall population being approximately 47% Black or African American. The remaining applicants were 12% White (compared to approximately 34% of Cleveland’s overall population), 5% Black or African American and White, 4% other multiple races, and 3% chose not to respond. Approximately 73% of applicants were female compared to Cleveland’s overall population being approximately

52% female. The remaining applicants were 25% were male, and 1% did not specify, chose not to respond, or were non-binary. These metrics are shown in Figures 4 and 5 for applications received from January 1, 2022 through November 30, 2022.



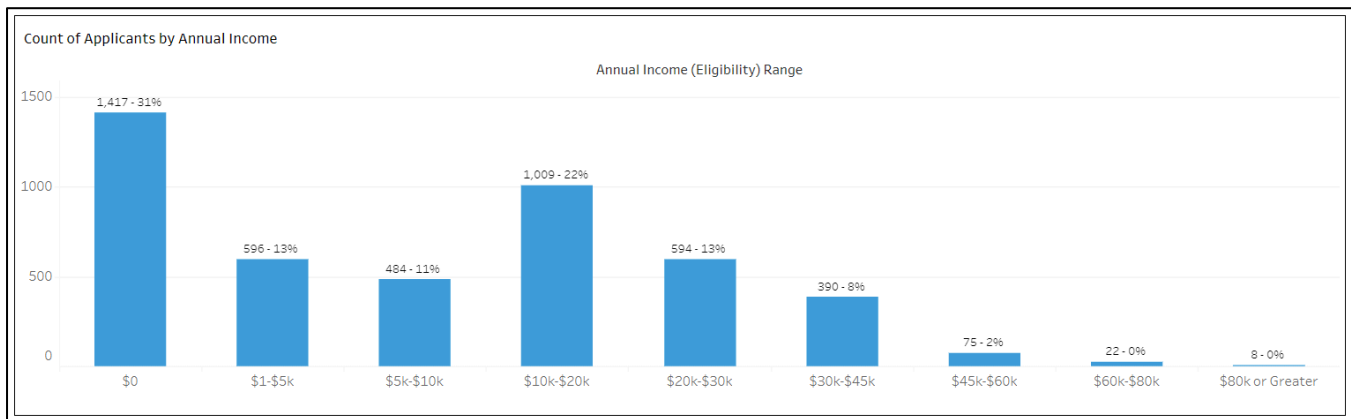
**Figure 4**



**Figure 5**

CHN collected annual household income information from rental assistance applicants. Of households applying for rental assistance from January 1 to November 30, 2022 (Figure 6):

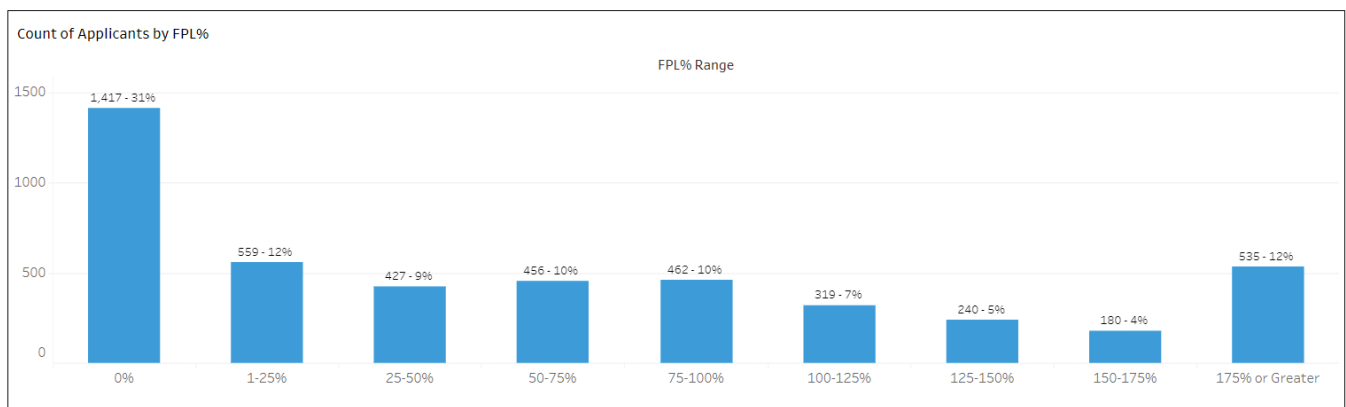
- 90% had annual household incomes of \$30,000 or less
- 77% had annual household incomes of \$20,000 or less
- 55% had annual household incomes of \$10,000 or less
- 31% indicated they had no source of income



**Figure 6**

Annual household income information can be used to assess household incomes relative to the FPL. Of households applying for rental assistance from January 1, 2022 through November 30, 2022 (Figure 7):

- 72% had annual household incomes at 100% or less of the FPL
- 12% had annual household incomes between 100% and 150% of the FPL
- 16% had annual household incomes of 150% or more of the FPL



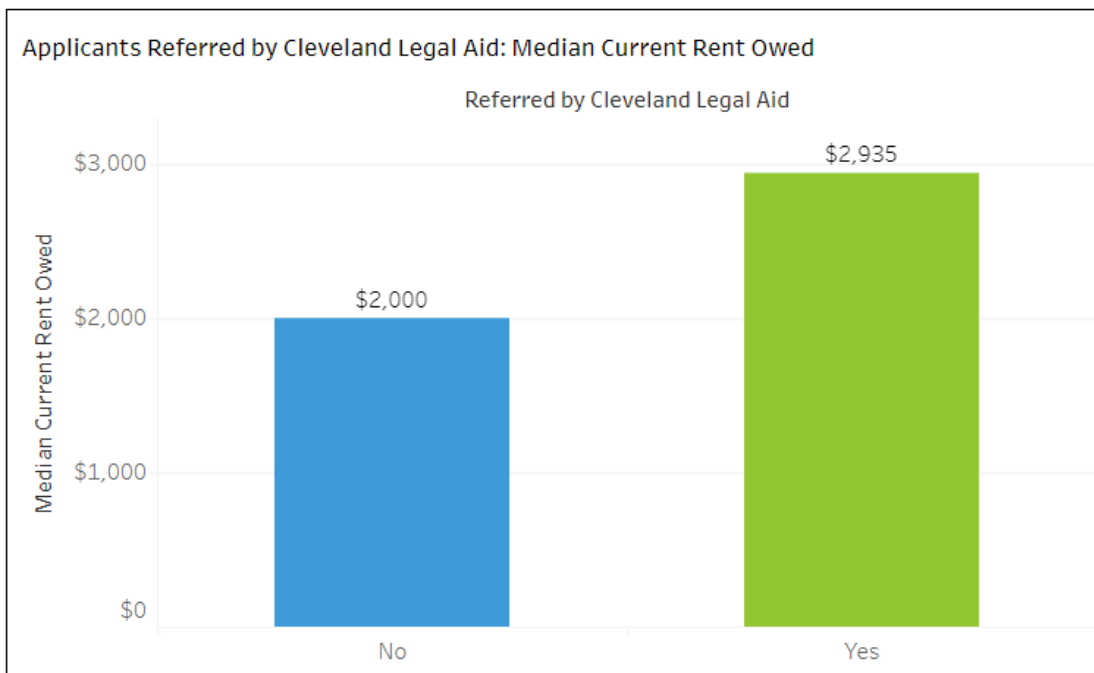
**Figure 7**

Household income and FPL data for emergency rental assistance applicants in Cleveland indicates that many of the households applying for rental assistance are also likely eligible for RTC-C. In addition to likely meeting income eligibility requirements for RTC-C, approximately 46% of all rental assistance applicants also had at least one child in the household. Of households applying for rental assistance that had incomes of 100% or less of the FPL, approximately 49% had at least one child in the household. The number of emergency rental assistance applicants that would likely also qualify for RTC-C from January 1 through November 21, 2022 (approximately 1,600) compared to the actual number of RTC-C clients in



2022 (approximately 1,000) suggests that emergency rental assistance has likely assisted in preventing a significant number of eviction filings.

Cleveland Legal Aid referred at least 239 people to CHN to apply for emergency rental assistance from January 1 to November 30, 2022.<sup>14</sup> The median rent owed by Cleveland Legal Aid emergency rental assistance referrals was \$2,935, compared to \$2,000 for non-Cleveland Legal Aid referrals (Figure 8). The higher median amount of back rent owed by Cleveland Legal Aid referrals indicates that Cleveland residents seeking legal assistance from Cleveland Legal Aid may be more likely to owe higher amounts of back rent and are experiencing or could imminently experience an eviction filing.

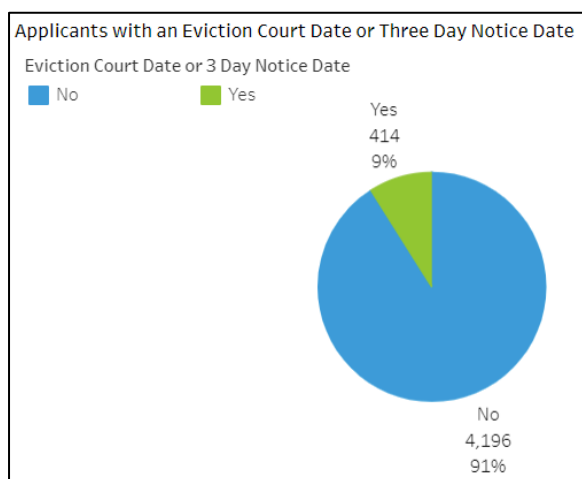


**Figure 8**

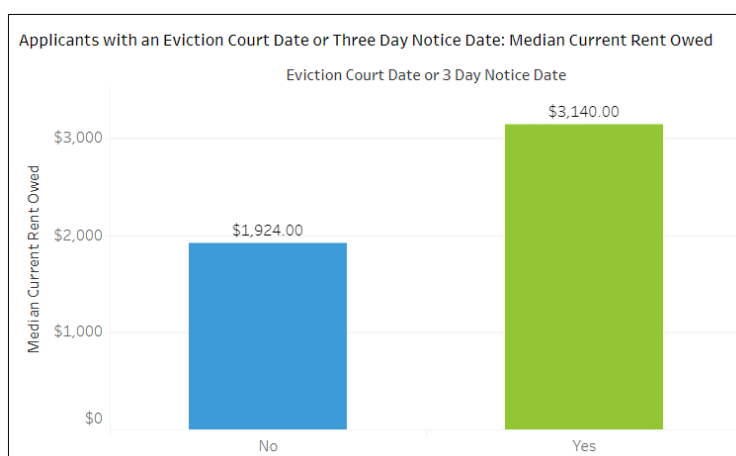
From January 1, 2022 to November 30, 2022, approximately 9% of emergency rental assistance applicants in Cleveland had an eviction court date or a 3-day notice when they were applying for emergency rental assistance (Figure 9). Applicants with an eviction court date or a 3-day notice owed a median of \$3,140 in back rent compared to \$1,924 for applicants who did not have an eviction court date or a 3-day notice (Figure 10). The difference in the median amount of back rent owed for applicants with an eviction court date or a 3-day notice compared to those without an eviction court date or a 3-day notice indicates that applicants facing eviction owe significantly more back rent than applicants who are not currently facing a formal eviction. The

<sup>14</sup> This is the minimum number of people Cleveland Legal Aid referred for emergency rental assistance. Referral source was not a required field for emergency rental assistance data collection, as such it is possible that Cleveland Legal Aid referred more than 239 people to CHN.

difference also demonstrates the importance of having emergency rental assistance available to tenants before they are filed against or receive a 3-day notice. Approximately 37% of applicants in Cleveland with an eviction court date or a 3-day notice received rental assistance from CHN compared to 27% of applicants who did not have an eviction court date or a 3-day notice.



**Figure 9**



**Figure 10**

Stout learned from Cleveland Legal Aid (and other eviction defense providers across the country) that attorneys often play a critical role in assisting RTC-C clients through the emergency rental assistance process and working with emergency rental assistance program administrators to secure funding to pay toward the back rent owed. As detailed on pages 27-30, Cleveland Legal Aid is overwhelmingly able to assist their clients in achieving their eviction case goals, including helping clients secure emergency rental assistance. In 2022, approximately 42% of RTC-C clients indicated one of their goals was to secure emergency rental assistance. From January through December 31, 2012, approximately 50% of RTC-C clients indicated one of their goals was to secure emergency rental assistance. In many RTC-C cases, securing emergency rental assistance was a critical component to effectively resolving the case, and in other RTC-C cases, it was one of several issues that Cleveland Legal Aid helped resolve.

Throughout the country and in Cleveland, Stout received feedback from eviction defense providers and rental property owners regarding concerns about how efficiently and effectively evictions can be resolved once emergency rental assistance is no longer available. For example, emergency rental assistance has not been available in Connecticut since January 2022. Eviction defense providers in Connecticut have discussed the significant challenges they experience trying to minimize the disruption to clients' lives when funding is unavailable to pay the back rent owed. Additionally, Stout has observed that the number of eviction filings in 2022 exceeds pre-pandemic levels by 10%-20% in jurisdictions where emergency rental assistance available during the height of the pandemic is no longer available.

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### *Analysis of Eviction Filing Data*

Stout analyzed detailed docket information to develop a deeper understanding of eviction filings in Cleveland.<sup>15</sup> The analyses included annual filing trends, geographic concentrations of filings, and plaintiff and defendant representation rates.

#### *Number of Eviction Filings in Cleveland*

Figures 11 and 12 show the annual eviction filing trend in Cleveland from 2011-2022 (through November 30) overall and by zip code. Between 2011 and 2014, there was an average of approximately 10,800 eviction filings annually in Cleveland, and between 2016 and 2019, there was an average of approximately 8,300 eviction filings annually in Cleveland. In 2020 and 2021, there was a significant decrease in the number of eviction filings in Cleveland as a result of pandemic-related eviction moratoria and tenant protections. In 2022 (through November 30) there were approximately 5,000 eviction filings in Cleveland. While the number of eviction filings in 2022 (through November 30) is significantly lower than the annual number of eviction filings before the pandemic, the number of filings through 11 months of 2022 was approximately 17% greater than the number of eviction filings in 2021.

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<sup>15</sup> Stout would like to recognize Cleveland Municipal Court and Legal Services Corporation for working closely with Stout to provide Cleveland eviction filing data for analysis.

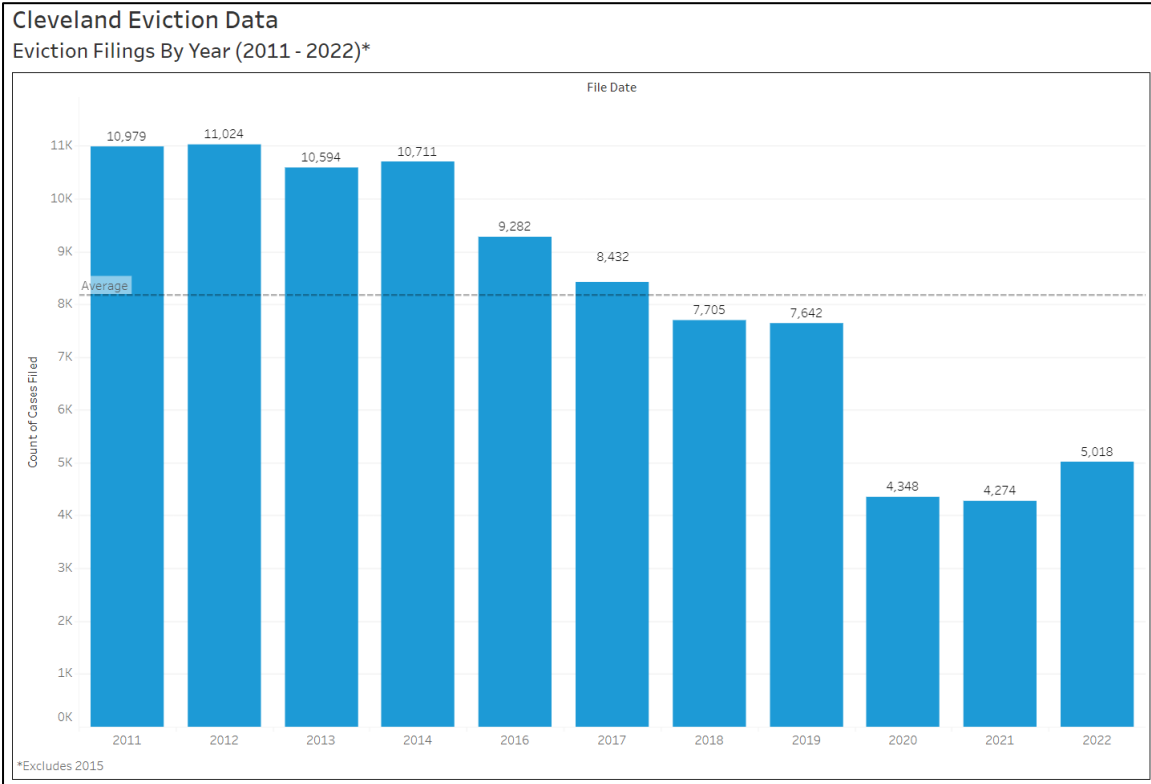


Figure 11

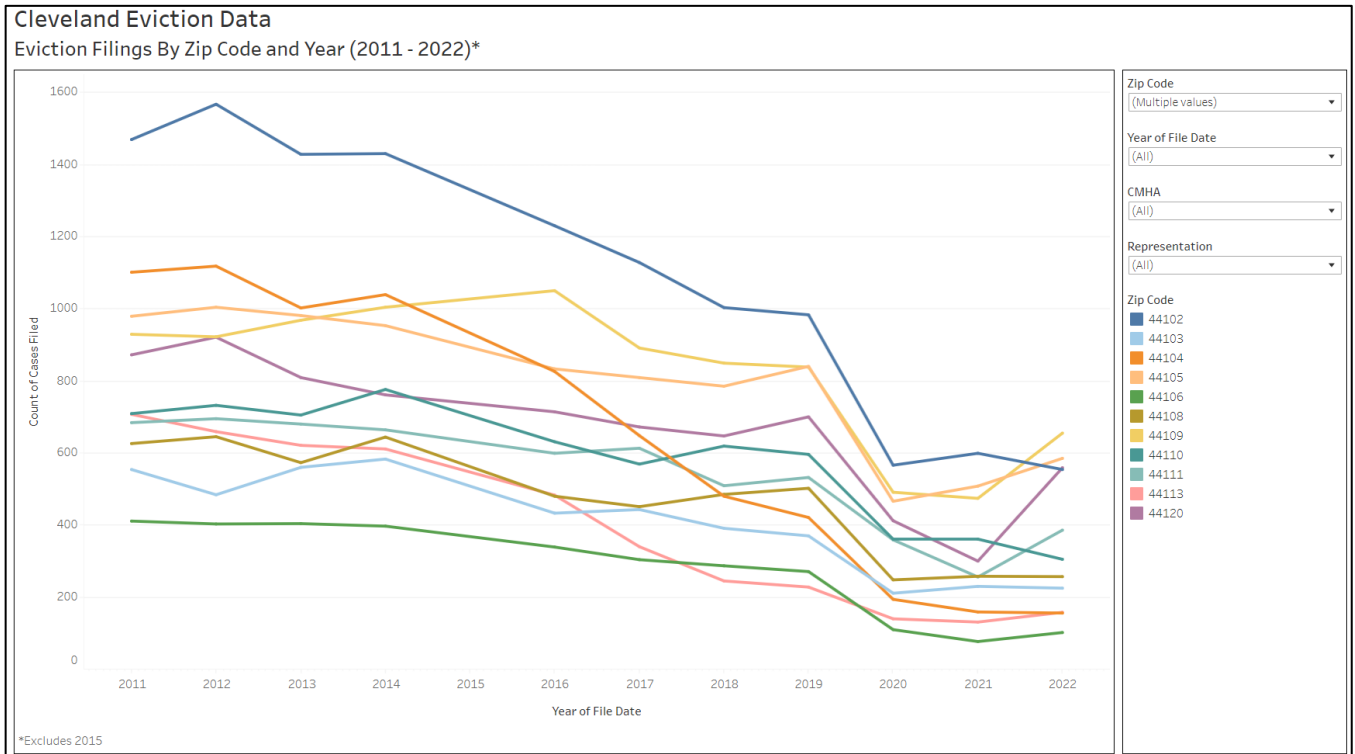
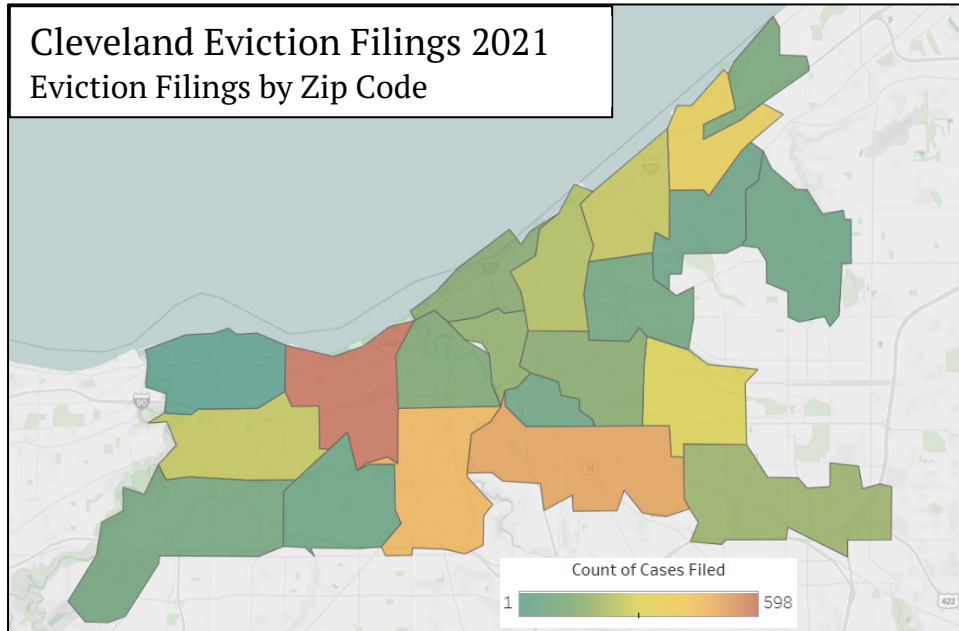


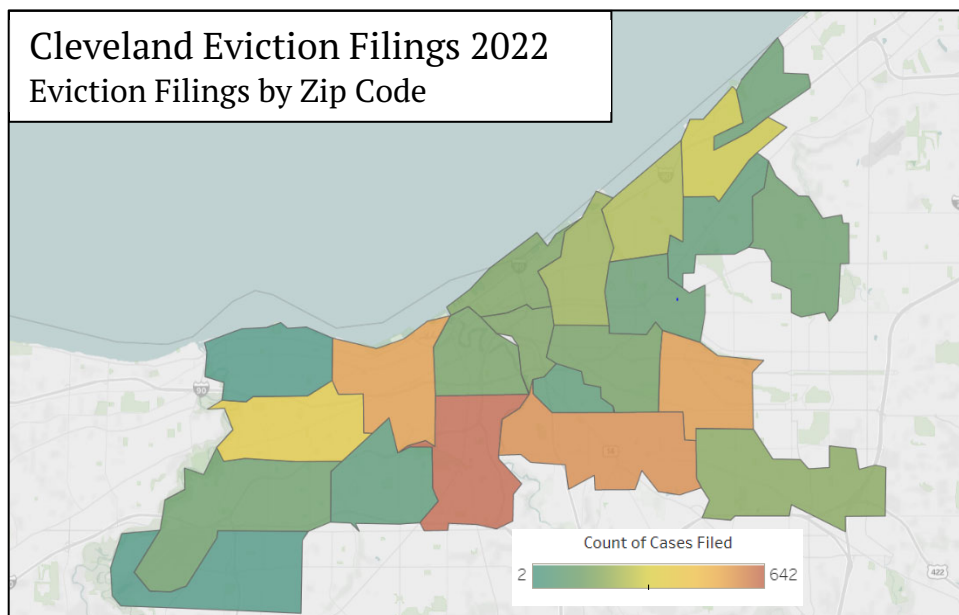
Figure 12

Eviction filings in all but five Cleveland zip codes increased from 2021 to 2022. Eviction filings in 44108, 44103, and 44104 decreased by 1%-2%, while eviction filings in 44102 and 44110 decreased approximately 8%-15%.

Figures 13 and 14 are heat maps showing the number of eviction filings by zip code in 2021 and 2022, respectively. Zip code 44109 had the most eviction filings with 642, and zip code 44107 had the fewest eviction filings with 2. Eviction filings in zip code 44109 increased approximately 36% from 2021 to 2022.

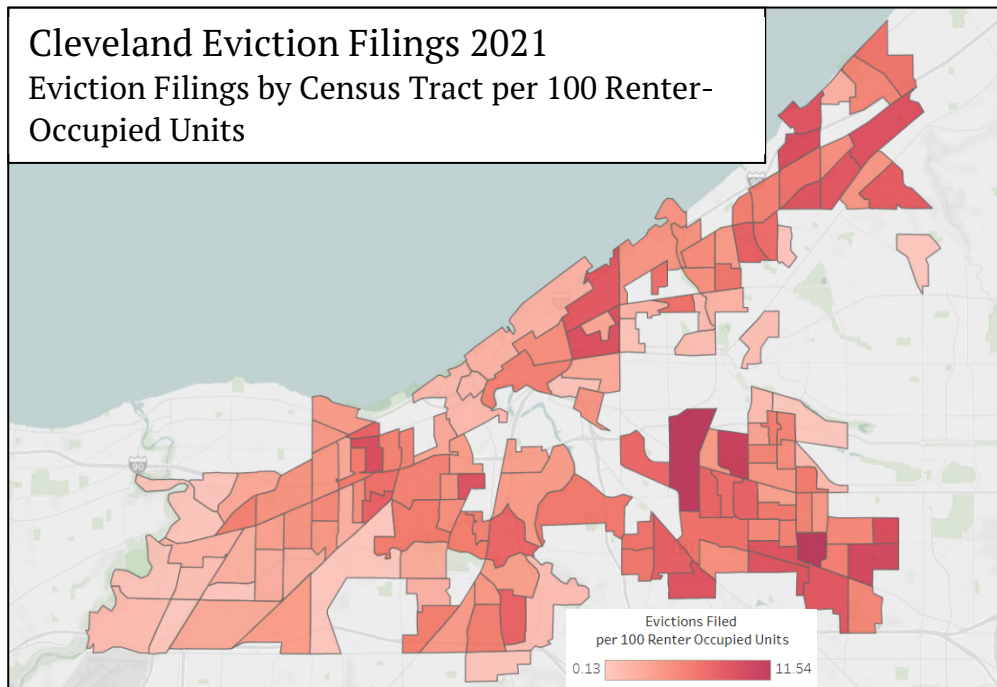


**Figure 13**

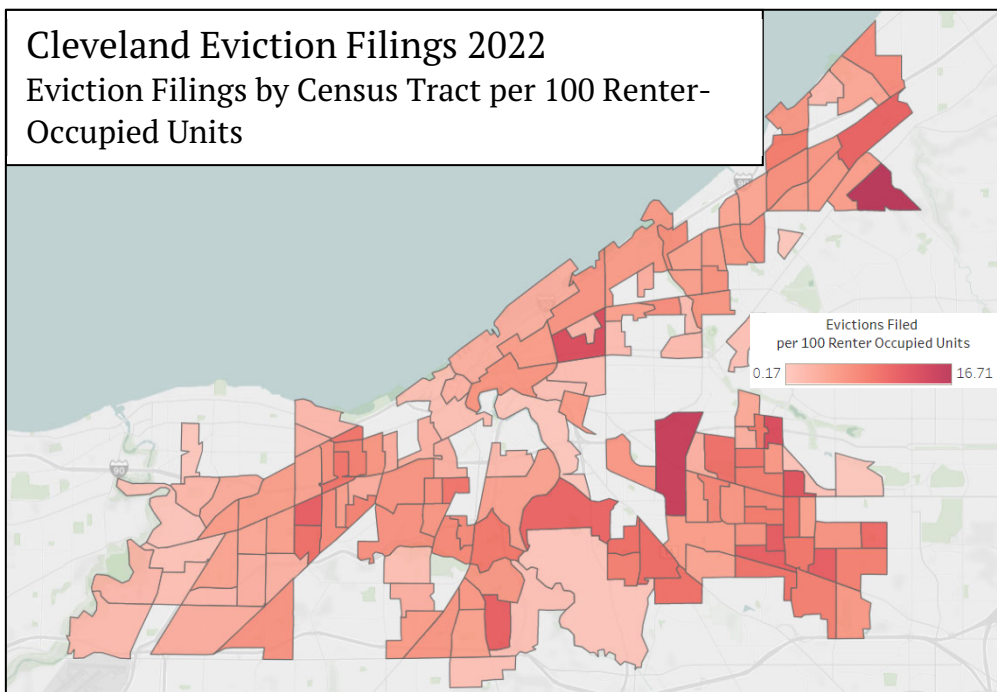


**Figure 14**

Figures 15 and 16 show the number of eviction filings per 100 renter-occupied units by census tract in 2021 and 2022, respectively. Analyzing eviction filings on a per 100 renter-occupied units basis adjusts for population differences, making comparisons between census tracts more precise.



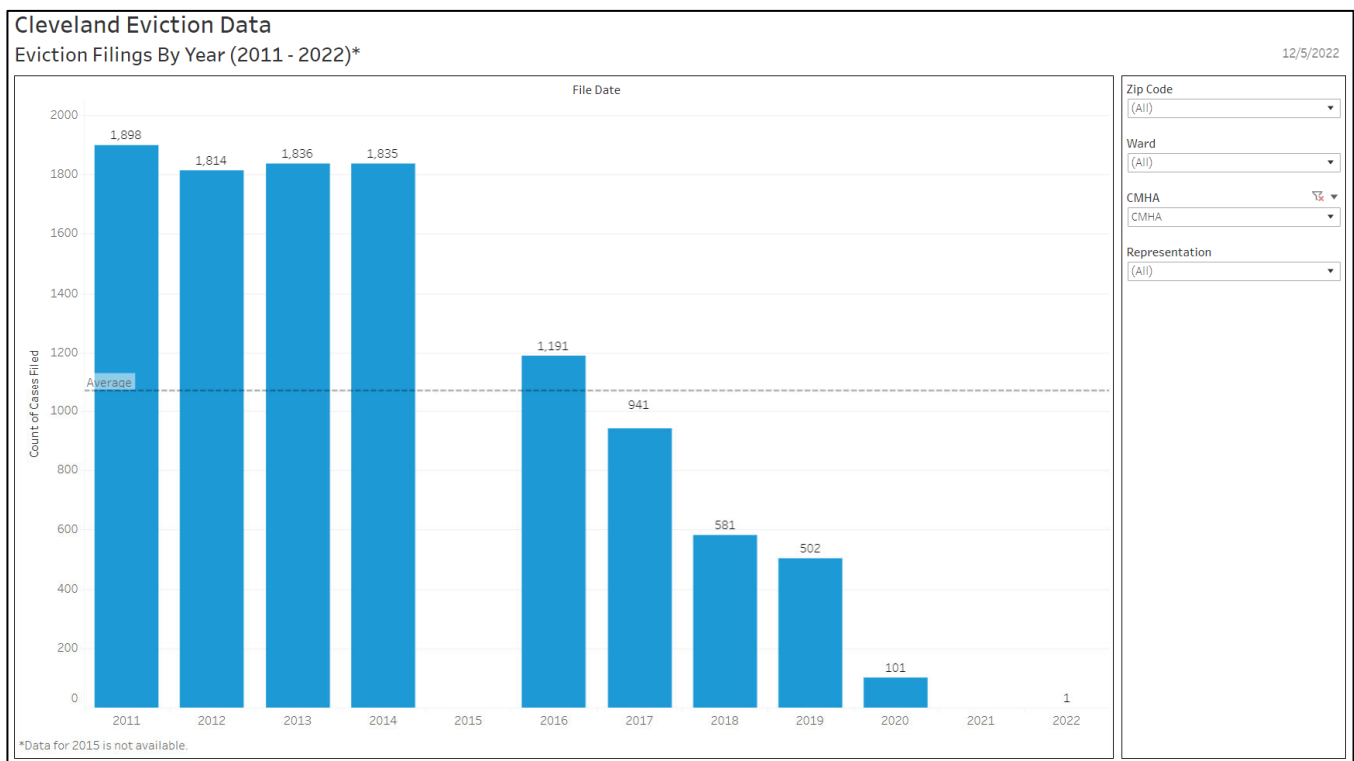
**Figure 15**



**Figure 16**

In 2022, eviction filings were not as concentrated in census tracts northeast (along St. Clair Avenue) and southeast (along Kinsman Road and Harvard Avenue East) of downtown Cleveland as they were in 2021. Census tracts west of downtown Cleveland (along Lorain Avenue) also experienced fewer eviction filings per 100 renter-occupied units in 2022 compared to 2021. Cleveland Legal Aid increased outreach in the northeast and southeast census tracts in 2022.

In addition to understanding where evictions being filed, it is helpful to understand who is filing evictions and how that has changed over the past year. During 2022, the Cuyahoga Metropolitan Housing Authority (CMHA) filed 1 eviction compared to 0 in 2021 and an average of 542 during 2018 and 2019. This is significant given that CMHA was the most frequent eviction filer in 2019 with 504 filings – nearly 5 times as many filings as the second most frequent filer (based on the plaintiffs named in the eviction filing). Figure 17 shows the annual number of eviction filings by CMHA from 2011 to 2022.



**Figure 17**

During its work in Cleveland and other jurisdictions, Stout learned that many housing authorities across the country developed new programs and policies to prevent the filing of evictions for the non-payment of rent – a practice that began at the height of the pandemic and has remained. For example, housing authorities in New York City, Connecticut, South Carolina, and Milwaukee have created programs and adopted policies to keep residents in their homes by connecting them to services and working with them to develop plans for the prompt payment of rent. Many housing authorities have social workers or navigators on staff to assist residents



and ensure they stay housed, when possible, recognizing that their residents are often experiencing a variety of challenging circumstances (e.g., mental/physical health issues within their household, unstable employment, children with special needs, issues with receiving public benefits). The U.S. Department of Housing and Urban Development (HUD) has supported housing authorities' strategies to avoid eviction filings for non-payment of rent. HUD developed a variety of best practices documents and toolkits for housing authorities to use when seeking to prevent evictions and increase stability among their residents.<sup>16</sup> Additionally, HUD announced in May 2022 the availability of \$20 million in grants for its Eviction Protection Grant Program which doubled the amount initially allocated in November 2021.<sup>17</sup>

### *Party Representation Rates in Cleveland Eviction Filings*

From 2011-2019, data from the Cleveland Municipal Court docket indicates approximately 1%-2% of tenants in eviction proceedings were represented. In 2020, when RTC-C was available for six months of the year, approximately 10% of tenants were represented. In 2021, approximately 17% of tenants in Cleveland were represented, and through September 30, 2022 approximately 16% of tenants were represented in 2022.<sup>18</sup> The significant increase in tenant representation rates is a direct result of RTC-C.

Figure 18 shows the annual tenant representation rates from 2011 to 2021, and Figure 19 shows the quarterly tenant representation rates prior to RTC-C (January 2019 – June 2020) and during RTC-C (July 2020 – October 2022). Data for the fourth quarter of 2022 (October through December 2022) is not included because the defendant representation rate is significantly understated as the docket data does not always reflect representation by legal counsel in the same month that the eviction is filed.

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<sup>16</sup> See [https://www.hud.gov/program\\_offices/public\\_indian\\_housing/covid\\_19\\_resources#2](https://www.hud.gov/program_offices/public_indian_housing/covid_19_resources#2).

<sup>17</sup> "HUD Expands Eviction Protection and Diversion Program with Additional \$20 Million." HUD No. 22-091 Press Release. May 9, 2022.

<sup>18</sup> The 16% defendant representation rate does not include cases from October through December 31, 2022. These cases were excluded from the defendant representation rate because the docket data may not yet reflect representation by counsel and significantly understates the defendant representation rate if included.



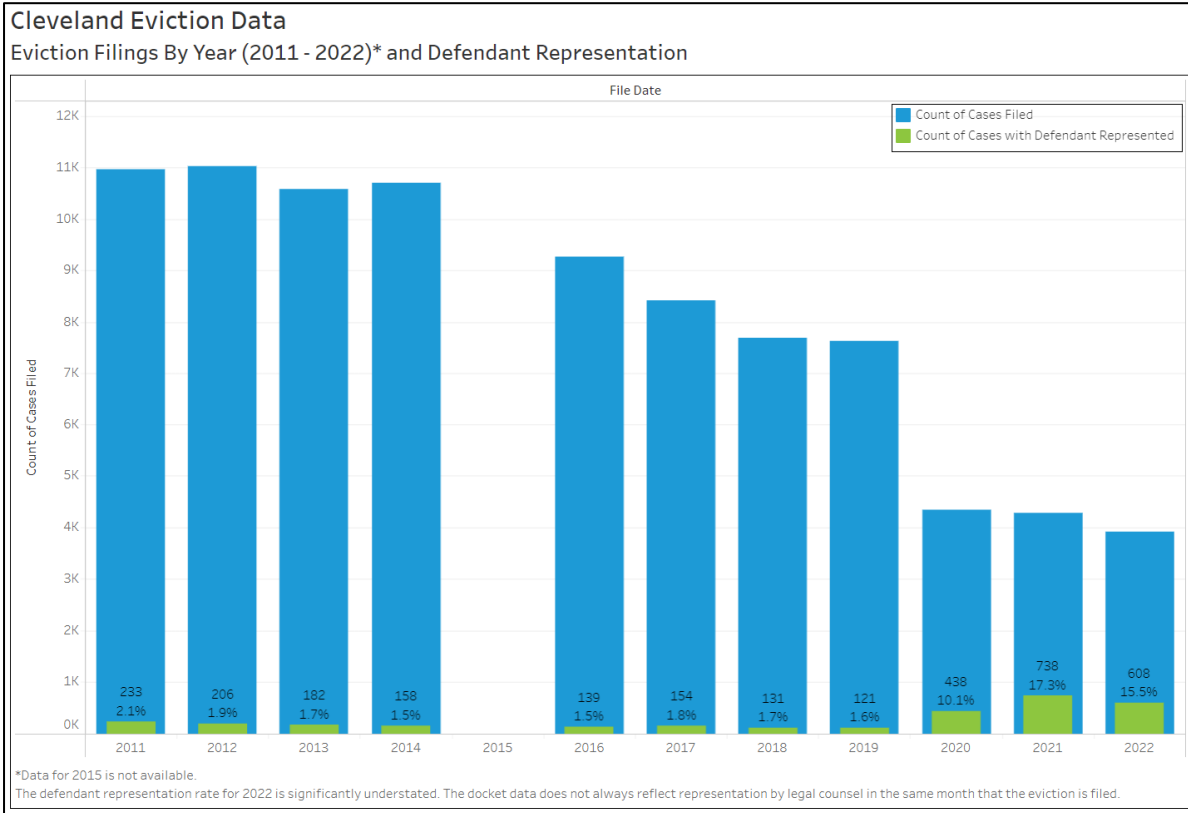


Figure 18

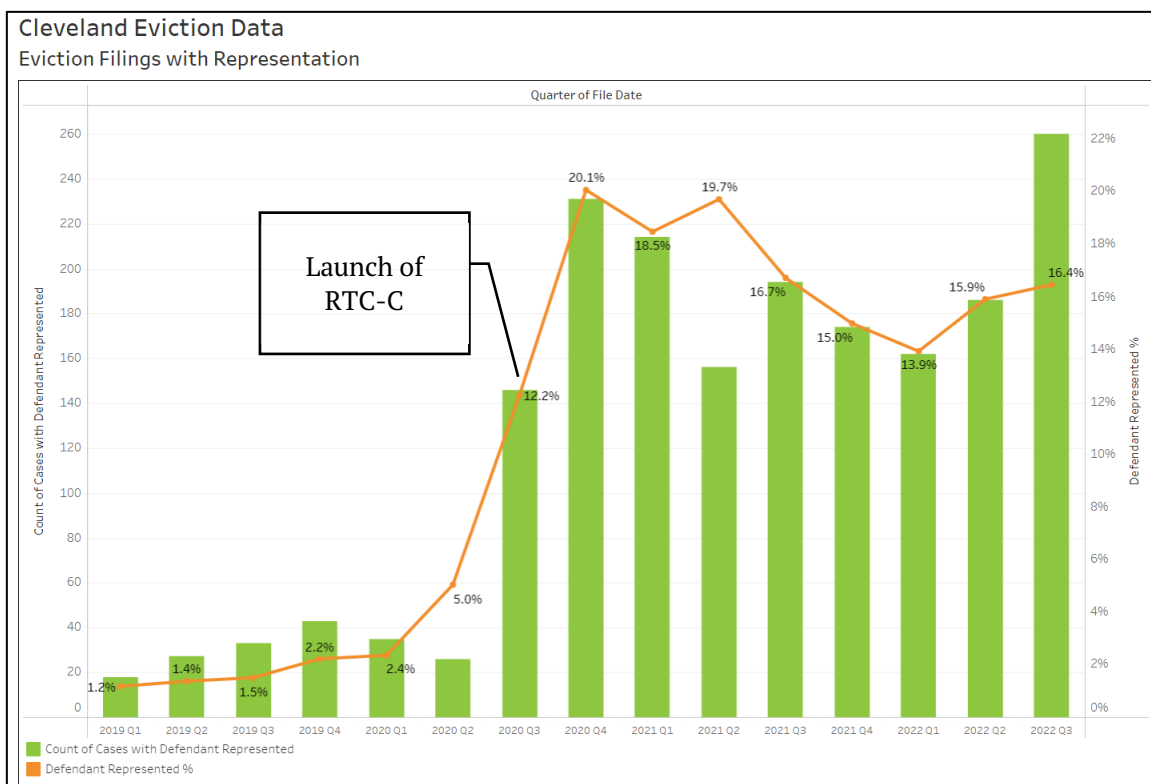


Figure 19

### Estimated RTC-C Eligible Tenant Representation Rate

Stout used rental assistance application data from CHN, the number of eviction filings in each zip code, and the number of RTC-C cases to develop an estimate of the representation rate for eligible Cleveland residents. This analysis provides insights as to the percentage of all RTC-C eligible tenants that Cleveland Legal Aid represented in 2022 in each zip code. Data available from Cleveland Municipal Court related to eviction filings does not include data regarding household income or the presence of children in the home. Therefore, the number and percentage of households that may be eligible for representation through RTC-C must be estimated.

Figure 20 shows the estimated representation rate of likely RTC-C eligible households in each zip code. In eight zip codes, Cleveland Legal Aid likely represented all RTC-C eligible households in 2022. The estimated representation rate of likely RTC-C eligible households across Cleveland was 79% in 2022 and 60% in 2021. That is, Cleveland Legal Aid represented an estimated 79% of all households in Cleveland that were likely eligible for RTC-C in 2022 – 19 percentage points greater than the estimated representation rate in 2021. RTC-C’s court-based intake (i.e., having RTC-C screeners available in court who speak to potential clients about their eligibility when they first appear) is an important contributing factor to Cleveland’s high defendant representation rate. Having RTC-C screeners available in court, and courts willing to provide continuances when defendants require legal assistance, can significantly increase the likelihood of connecting tenants to lawyers relative to relying solely on community-based outreach.

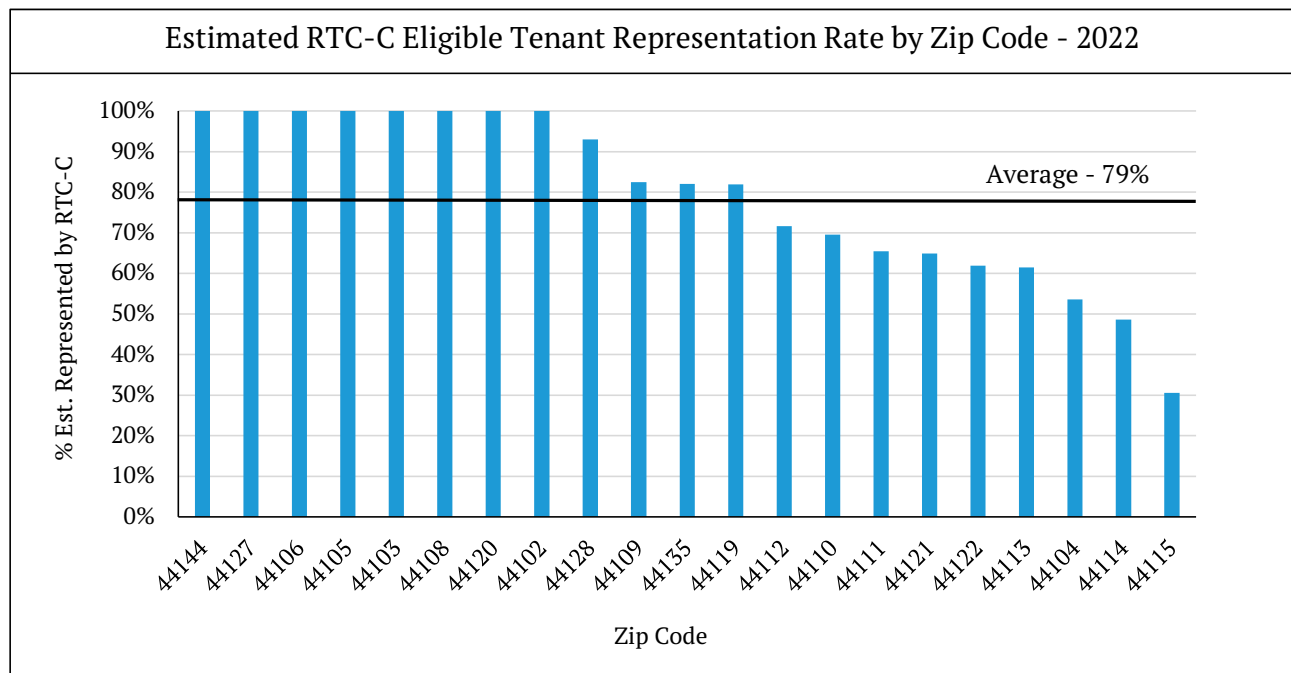


Figure 20

### RTC-C Client Goals and Goals Achieved

During the intake/interview process, Cleveland Legal Aid attorneys ask clients their goals for the case. Since RTC-C began in July 2020, Cleveland Legal Aid has achieved 86% of all clients' case goals. Since July 2020, Cleveland Legal Aid has achieved approximately 4,200 case goals for approximately 2,000 clients (i.e., the number of closed cases from July 2020 through December 31, 2022).

Client Goal	2022 [a]			2021		
	Frequency Goal was Achieved	# of RTC-C Clients with Goal [a]	% of RTC-C Clients with Goal [b]	Frequency Goal was Achieved	# of RTC-C Clients with Goal [a]	% of RTC-C Clients with Goal [b]
Prevent eviction judgment or involuntary move	87%	966	82%	93%	650	94%
Secure time to move (30 days or more)	91%	496	42%	83%	342	50%
Secure rent assistance	76%	428	36%	92%	299	43%
Mitigate damages	95%	242	20%	94%	288	42%
Secure monetary relief	93%	125	11%	97%	94	14%

[a] Clients can have multiple goals for their case.  
[b] Total will be greater than 100% because clients can have multiple goals for their case.

**Figure 21**

Figure 21 shows the five most common goals with the frequency of each goal being achieved, the number of clients with the goal, and the percent of clients with that goal for cases closed in 2022 and 2021 (separately). Figure 22 shows the same data for cases closed since RTC-C was launched in July 2020.<sup>19</sup>

Client Goal	Since July 2020		
	Frequency Goal was Achieved	# of RTC-C Clients with Goal [a]	% of RTC-C Clients with Goal [b]
Prevent eviction judgment or involuntary move	90%	1,687	83%
Secure time to move (30 days or more)	91%	622	41%
Secure rent assistance	79%	773	38%
Mitigate damages	94%	548	27%
Secure monetary relief	94%	225	11%

[a] Clients can have multiple goals for their case.  
[b] Total will be greater than 100% because clients can have multiple goals for their case.

**Figure 22**

<sup>19</sup> The goal “prevent eviction judgment or involuntary move” is not synonymous with the client staying in their home. It is possible that Cleveland Legal Aid has prevented an eviction judgment or involuntary move and the client was unable to remain in their home. In these instances, Cleveland Legal Aid’s representation can prevent an involuntary and disruptive displacement move by minimizing the disruption of moving on an expedited timeline, which occurs frequently when tenants are not able to secure legal representation. Cleveland Legal Aid began collecting data during the fourth quarter of 2022 to determine the frequency with which clients are remaining in their home at the end of the case. Stout will begin analyzing this data point as more cases are closed in the first quarter of 2023.

Seal eviction record was not one of the five most frequently cited client goals. However, Cleveland Legal Aid achieved that goal for 74% (n=50) of RTC-C clients seeking to do so in 2022, which is a significant increase from the 33% (n=54) of cases where they achieved that goal in 2021.

Between 2021 and 2022, there were significant differences in the percentage of clients seeking the goals of:

- Prevent eviction judgment or involuntary move<sup>20</sup> – 12 percentage points fewer in 2022
- Secure time to move (30 days or more) – 8 percentage points fewer in 2022
- Mitigate damages – 22 percentage points fewer in 2022

There was also a 7-percentage point difference each in clients seeking to secure rent assistance or monetary relief. Through its work evaluating eviction right to counsel and diversion programs across the country, Stout has learned that rent assistance is no longer widely available, and where it is still available, a portion of clients have already received the maximum allowable amount of rent assistance. These factors could be impacting the frequency with which RTC-C clients cite securing rent assistance as a goal. Furthermore, the final day to submit new emergency rental assistance applications was December 2, 2022 with final payments to rental property owners expected in early January 2023.

Most RTC-C clients have multiple goals for their case. For example, they may want to prevent an eviction judgment and secure 30 days or more to move. Figure 23 shows the percentage of cases closed by the number of client goals for 2022, 2021, and since RTC-C launched in July 2020:

Number of Goals	% of Cases		
	Closed in 2022	Closed in 2021	Closed Since July 2020
1	23%	12%	17%
2	39%	33%	36%
3	24%	27%	25%
4	10%	14%	12%
5	3%	8%	6%
6 or more	1%	6%	4%

**Figure 23**

Of RTC-C cases closed in 2022, approximately 77% of clients had multiple goals for their case. The five most common combinations of client goals for cases closed in 2022 were:

<sup>20</sup> Involuntary moves are characterized as forced moves or moves on expedited timelines that would likely result in significant disruption to clients’ lives.

- Prevent eviction judgment or involuntary move and secure time to move (30 days or more)
- Prevent eviction judgment or involuntary move and secure rental assistance
- Prevent eviction judgment or involuntary move, secure rental assistance, and secure time to move (30 days or more)
- Prevent eviction judgment or involuntary move, secure rental assistance, and mitigate damages
- Prevent eviction judgment or involuntary move and mitigate damages

There was no material change in the combinations of client goals from 2021 to 2022 or since RTC-C launched in July 2020.

### Goals Achieved by Number of Children in the Household

The number of children per RTC-C client household ranged from one to ten, and the average number of children per RTC-C client household was two. More than 83% of RTC-C client households had between one and three children, and approximately 65% had more than one child. Given that RTC-C requires that the household have at least one child in the home, client goals achieved by the number of children in the household is important for understanding the impact of the legislation. Figure 24 details specific goals achieved and not achieved by the number of children in the household for RTC-C clients with cases closed in 2022. These were the five most common goals cited by RTC-C clients.

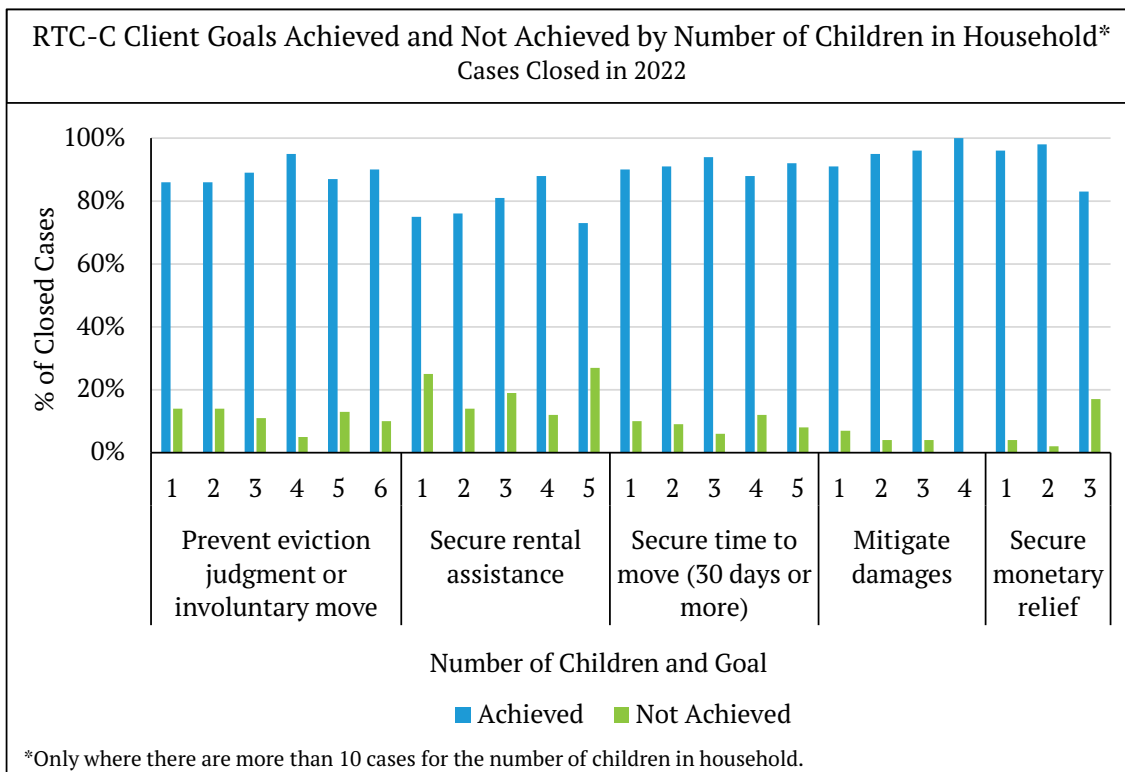


Figure 24

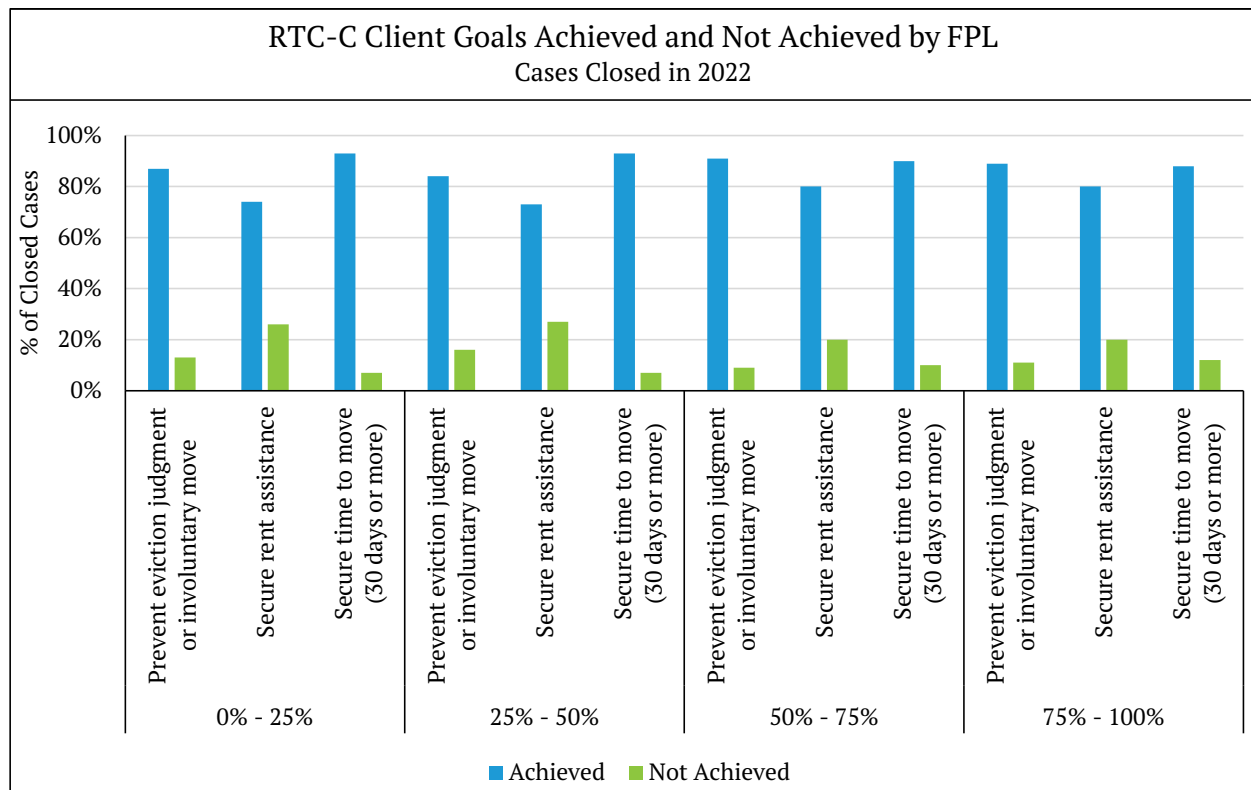
As the number of children in a household increases (up to three to four children depending on the goal), Cleveland Legal Aid achieves client goals more frequently. For example, Cleveland Legal Aid achieved RTC-C clients’ goal of secure time to move for 90%, 91%, and 94% of RTC-C clients with one child, two children, and three children in the household, respectively.

### Goals Achieved by Federal Poverty Level

Analyzing RTC-C client goals by the client’s household income relative to the FPL can provide insights about how goals and goals achieved may differ based on FPL. Households with incomes at or below 100% of the FPL and at least one child are eligible for RTC-C. Figure 25 shows goals achieved and not achieved for RTC-C cases closed in 2022 by FPL, and Figure 26 shows specific goals achieved and not achieved for RTC-C cases closed in 2022 by FPL.

FPL	% of Goals Achieved	% of Goals Not Achieved
0% - 25%	87%	13%
25.1% - 50%	82%	18%
50.1% - 75%	88%	12%
75.1% - 100%	86%	14%

**Figure 25**



**Figure 26**

As RTC-C clients' household income relative to the FPL increases, Cleveland Legal Aid achieves their goals more frequently. For example, Cleveland Legal Aid achieves the goal for prevent eviction judgment or involuntary move more frequently for RTC-C client households with incomes of at least 50% of the FPL compared to client households incomes of less than 50% of the FPL. While clients with household incomes between 50% and 100% of the FPL are still living at or below the FPL, it is possible that they are more likely to be able to pay back rent owed or more easily able to reach an agreement with their landlord (through Cleveland Legal Aid's representation).

### *Reasons Why Goals May Not Be Achieved*

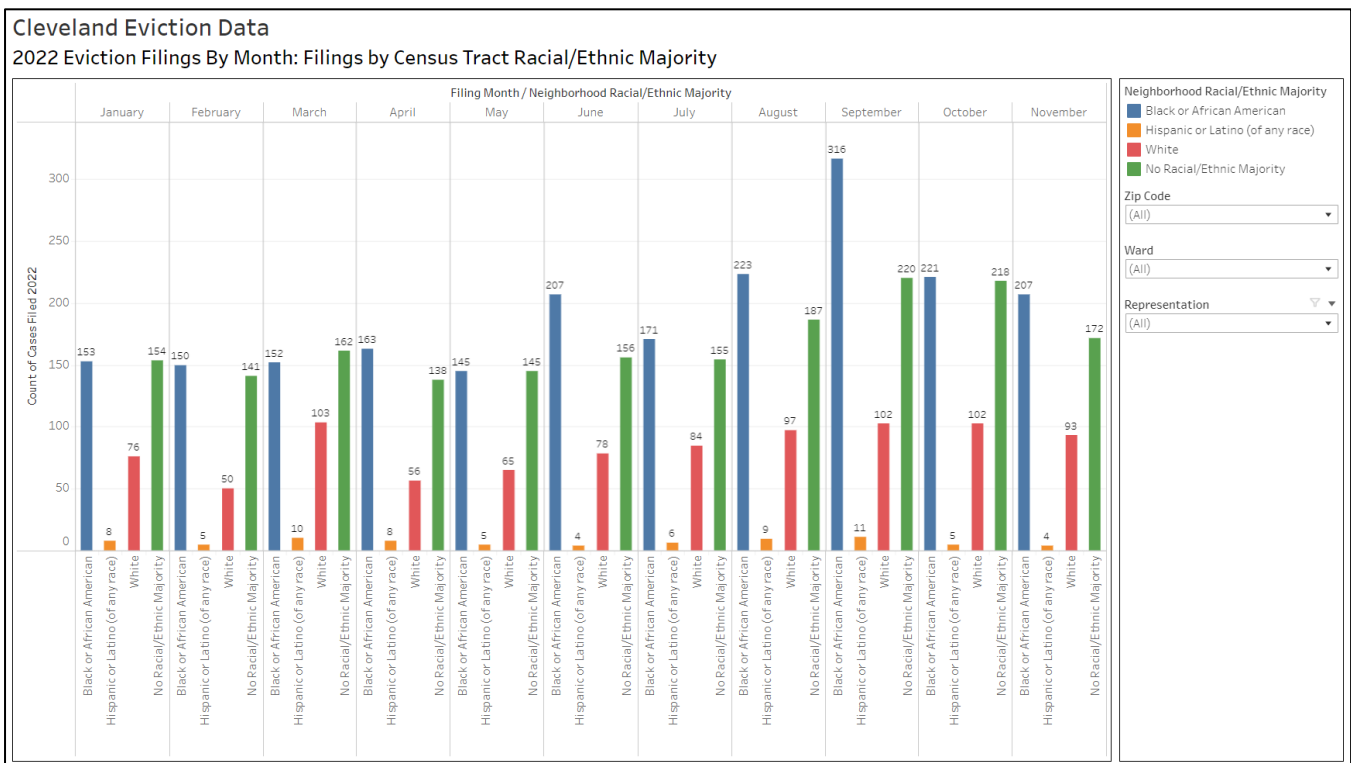
Cleveland Legal Aid is overwhelmingly able to assist their clients in achieving their eviction case goals. However, there are certain situations where Cleveland Legal Aid is unable to assist their clients in achieving their goals. Stout learned from Cleveland Legal Aid (and legal aid organizations in other jurisdictions Stout is conducting evaluations) that these situations include but are not limited to:

- Situations where a client wants to move or needs to move because of the eviction proceeding but cannot secure alternative housing. The current rental housing market has limited availability for clients who want or need to move. Even when the Cleveland Legal Aid achieves a client's goal of securing 30 days or more to move, it is challenging for the client to identify, secure, and move into a new rental unit. This challenge is often more significant for clients who have vouchers where housing options are limited, and rental property owners may not want to rent to voucher holders.
- Situations in which it becomes apparent that the relationship between the tenant and the rental property owner has deteriorated in such a way that achieving the client's goals is not possible. There are cases where the only issue appears to be non-payment of rent (i.e., there are no other substantive legal issues, defenses, or counterclaims to raise), and the resolution should be straightforward. Cleveland Legal Aid may be able to secure rental assistance for a client but not prevent an eviction judgment or involuntary move because the rental property owner is seeking possession regardless of the client qualifying for and securing rental assistance.
- Situations in which Cleveland Legal Aid needs to withdraw from a case. Clients may become unresponsive, decide to represent themselves, or terminate their relationship with Cleveland Legal Aid. In these situations, the attorney will withdraw from the case, and the goals that they had discussed with clients at the beginning of the case will become inactive.

## The Intersection of Eviction with Race, Ethnicity, and Gender

In 2022 (through November 30), eviction filings in Cleveland were most frequently in census tracts where the majority of residents were Black or African American (43%) or where there was not a racial/ethnic majority (37%). Approximately 18% of all eviction filings were filed in majority White census tracts, and approximately 2% were filed in majority Hispanic/Latino census tracts. It is important to note that this analysis aggregates eviction filings based on racial/ethnicity majority census tracts and not the demographics of the households experiencing the eviction filings. For example, eviction filings in majority Black or African American census tracts do not imply evictions were filed exclusively against Black or African American households.

Figure 27 shows the number of monthly eviction filings in Cleveland for each census tract by racial/ethnic majority (through November 30). The blue bars indicate the number of eviction filings in census tracts where the population was majority Black or African American, the orange bars indicate the number of eviction filings in census tracts where the population was majority Hispanic or Latino, the red bars indicate the number of eviction filings in census tracts where the population was majority White, and the green bars indicate the number of eviction filings in census tracts without a racial/ethnic majority.

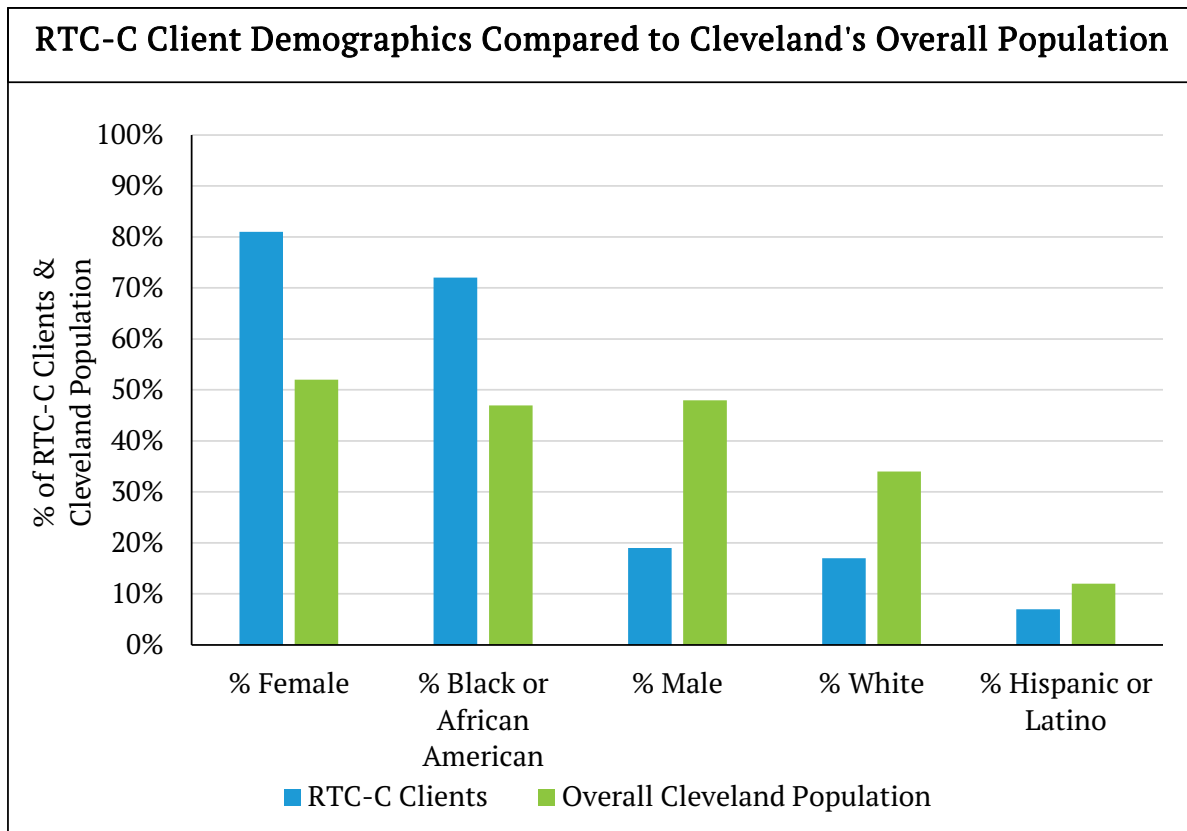


**Figure 27**

Figure 28 shows race, ethnicity, and gender statistics for RTC-C clients compared to Cleveland’s overall population. RTC-C clients are disproportionately female and Black or African American



compared to Cleveland’s overall population. Eviction Right to Counsel clients in Milwaukee County and Connecticut are also disproportionately female and Black or African American.



**Figure 28**

Stout analyzed combinations of interview questions for RTC-C clients to develop a deeper understanding of how RTC-C client experiences and circumstances may differ based on race, ethnicity, and gender. These analyses focused on the presence of defective conditions, previous evictions, and previous issues with management (i.e., rental property owner or property manager).

Stout analyzed the intersection of race, ethnicity, and gender with the presence of defective conditions at RTC-C clients’ homes. For RTC-C clients with cases closed in 2022, approximately 83% of female RTC-C clients indicated there were defective conditions in their homes compared to 76% of male RTC-C clients. Approximately 83% of RTC-C clients who identified as Black and female indicated there were defective conditions in their homes compared to 72% of RTC-C clients who identified as Black and male. The RTC-C clients who identified as White (of any gender) experienced defective conditions consistent with the experiences of RTC-C clients who identified as Black. There was not a material difference in this experience when adding ethnicity as a factor.

For RTC-C clients with cases closed in 2022, significantly more female RTC-C clients (57%) indicated they had a previous eviction filed against them when compared to male RTC-C clients

(35%). There was not a material difference in this experience when adding race or ethnicity as a factor. Stout observed similar metrics in its analysis of Connecticut’s Eviction Right to Counsel.

RTC-C clients with cases closed in 2022 who identified as White indicated they experienced previous issues with the rental property owner more frequently (55%) than RTC-C clients who identified as Black (41%). Approximately 41% of male RTC-C clients with cases closed in 2022 indicated they experienced previous issues with the rental property owner compared to 45% of female RTC-C clients.

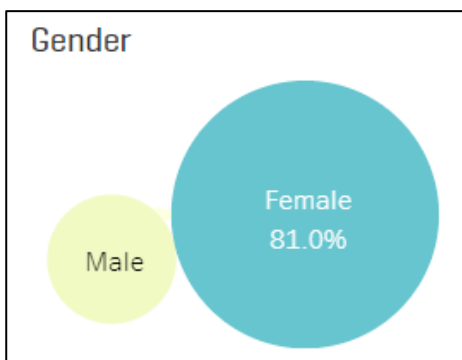
While RTC-C clients identified as disproportionately female and or Black compared to Cleveland’s overall population and certain past experiences differed based on race and gender, the goals achieved by Cleveland Legal Aid for RTC-C clients did not differ materially based on gender, race, or ethnicity.

### *Preliminary Findings from RTC-C Client Interviews*

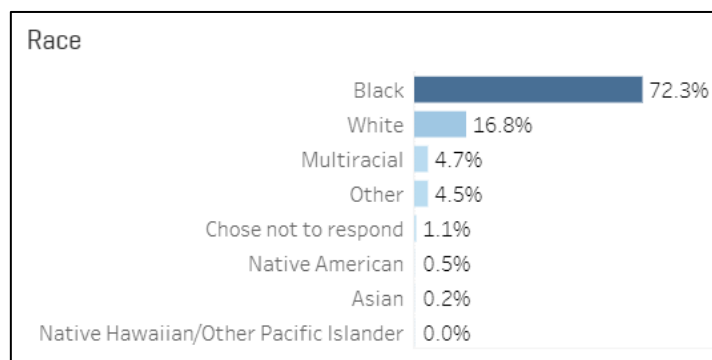
Stout analyzed the results of key RTC-C client interview questions and organized them below by category: (1) household demographics and characteristics; (2) employment; (3) lease type, terms, and desire to stay in their home; (4) presence of defective conditions; (5) alternative living arrangements if evicted or forced to move; and (6) ability to pay back rent owed and potential defenses.

#### *Household Demographics and Characteristics*

Approximately 81% of RTC-C clients identified as female and approximately 19% as male. (Figure 29). Approximately 82% of RTC-C clients identified as non-White (i.e., Black, Multiracial, Other, Native American, Asian, or Native Hawaiian/Other Pacific Islander), approximately 17% of RTC-C clients identified as White, and approximately 1% of RTC-C clients chose not to share their race (Figures 30).

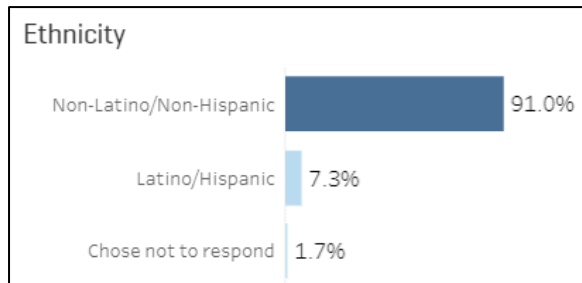


**Figure 29**

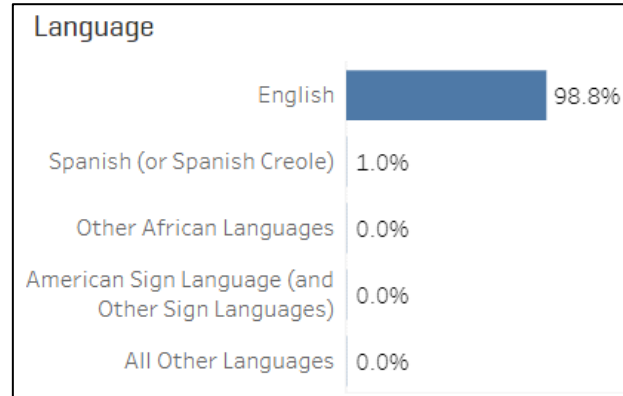


**Figure 30**

Approximately 91% of RTC-C clients identified as non-Latino/non-Hispanic, approximately 7% identified as Latino/Hispanic, and approximately 2% chose not to share their ethnicity (Figure 31). Approximately 99% of RTC-C clients indicated English was their primary language, and approximately 1% indicated their primary language was Spanish or Spanish Creole (Figure 32).

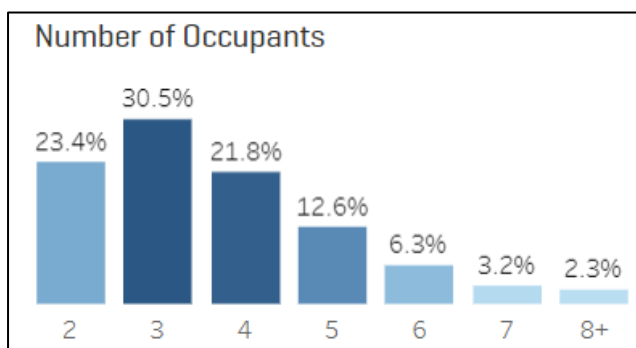


**Figure 31**

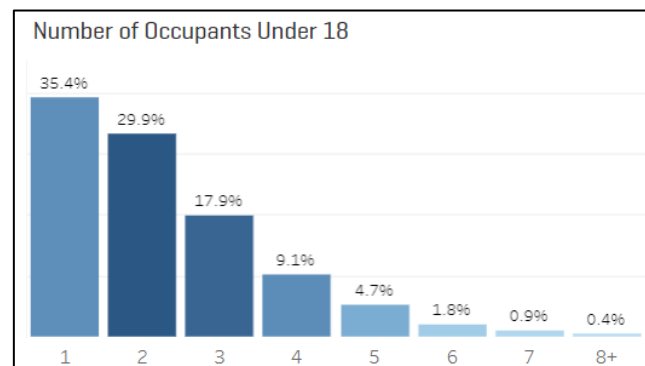


**Figure 32**

Figure 33 shows the distribution of RTC-C clients by the number of people in their household, and Figure 34 shows the distribution of RTC-C clients by the number of children in their household.



**Figure 33**



**Figure 34**

It is important to reiterate that RTC-C is only available for families with at least one child with a household income at or below 100% of FPL. As such, household size for RTC-C clients will always be at least two and the number of occupants under 18 will always be one or more. This limits comparability of RTC-C household size and occupants under the age of 18 to other jurisdictions collecting similar information.

In 2022, Cleveland Legal Aid added a question to the RTC-C client interview regarding where clients' children were attending school. Approximately 57% of children in RTC-C client households were attending Say Yes schools. Say Yes schools in the Cleveland Metropolitan School District (CMSD) provide services and scholarships to eligible students to assist them with achieving their post-secondary education goals. Many students attending Say Yes schools live

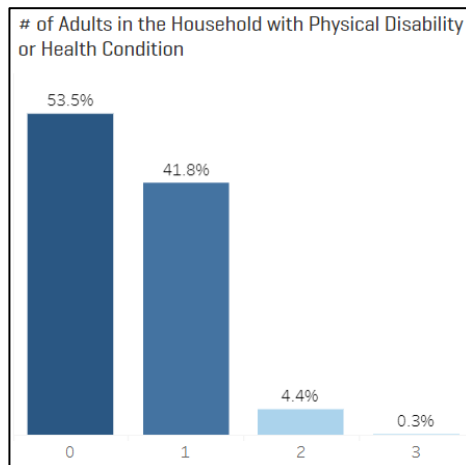
in households with lower incomes and may need supportive services. For example, in the 2021-2022 school year, approximately 775 students (and their families) attending Say Yes schools received free legal assistance through Say Yes supportive services embedded in CMSD.<sup>21</sup>

Female RTC-C clients (67%) were more likely than male RTC-C clients (55%) to have multiple children in the household. Of the approximately 30% of RTC-C client households with three people in the household, approximately 66% were single-adult households (100% of the households with two occupants were single-adult households, based on RTC-C eligibility). Of the approximately 22% of RTC-C client households with four people in the household, approximately 55% were single-adult households. Of the approximately 13% of RTC-C client households with five people in the household, approximately 45% were single-adult households. As the size of the household increases for RTC-C clients, the more likely it is that there is more than one adult in the household.

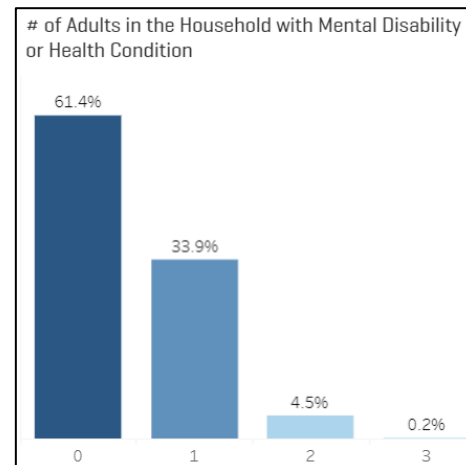
Answers to intake interview questions related to RTC-C clients' household demographics have highlighted the frequency with which they or other household members have physical or mental disabilities. Approximately 46% of RTC-C clients indicated at least 1 adult in their household had a physical disability or health condition (Figure 35), and approximately 39% of RTC-C clients indicated at least one adult in their household had a mental disability or health condition (Figure 36). The same questions were asked regarding children in the household, and approximately 28% of RTC-C clients indicated at least one child in their household had a physical disability or health condition, and 23% indicated at least one child in their household had a mental disability or health condition (Figures 37 and 38).

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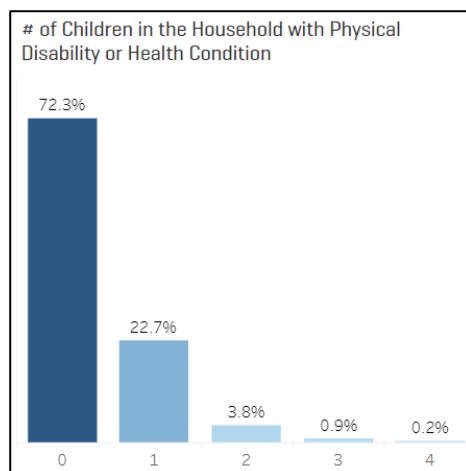
<sup>21</sup> <https://sayyescleveland.org/about/impact/#supportStats>



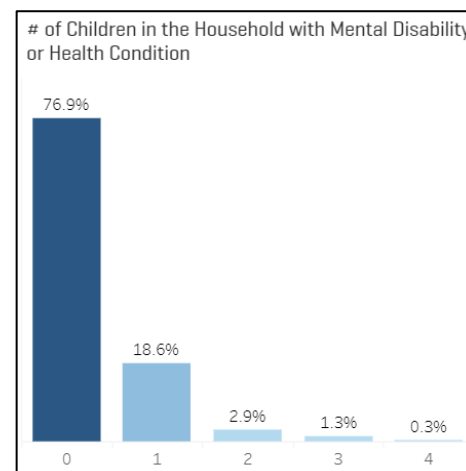
**Figure 35**



**Figure 36**



**Figure 37**



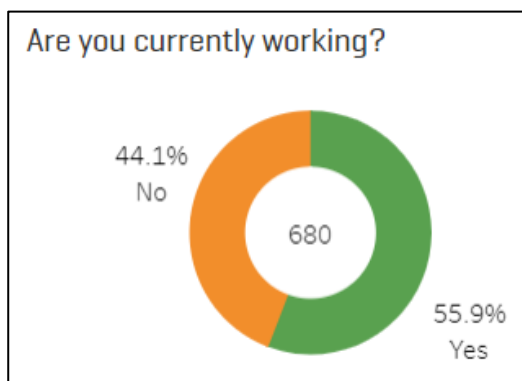
**Figure 38**

RTC-C clients who were not employed at the time of their intake interview were more likely to have at least one adult in the household with a physical disability (58%) or at least one adult in the household with a mental disability (48%). RTC-C client households with incomes of 0%-25% of the FPL were more likely to have at least one adult with a physical disability (56%) than RTC-C client households with incomes of more than 25% of the FPL (47%).

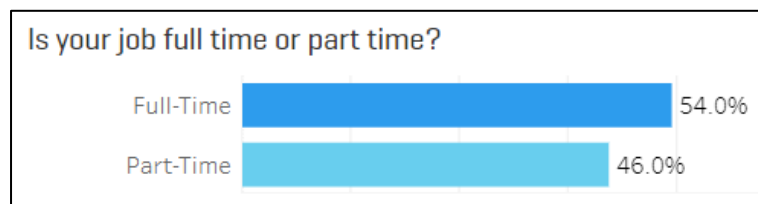
By comparison, Stout’s evaluation of Connecticut’s eviction right to counsel program found that approximately 33% of client households had at least one adult with a physical disability or health condition, approximately 26% had at least one adult with a mental disability or health condition, approximately 6% had at least one child with a physical disability or health condition, and approximately 7% had at least one child with a mental disability or health condition.

## Employment

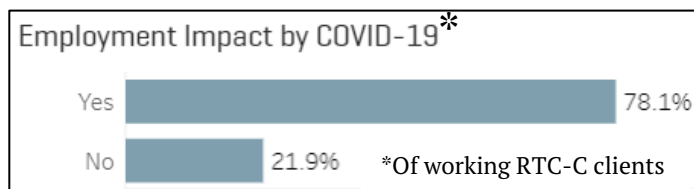
Of RTC-C clients who went through the RTC-C intake process in 2022, approximately 56% indicated they were working (Figure 39). Of RTC-C clients who went through the RTC-C intake process in 2021, approximately 43% indicated they were working. Of RTC-C clients who went through the RTC-C intake process between July 1 and December 31, 2020, approximately 31% indicated they were working. Consistent with Stout’s 2021 evaluation of RTC-C, of the approximately 56% of RTC-C clients indicating they were working, approximately 54% were working full time, and approximately 46% were working part time (Figure 40). Of the 56% of RTC-C clients who were working, approximately 78% indicated the pandemic has impacted their employment (Figure 41).



**Figure 39**

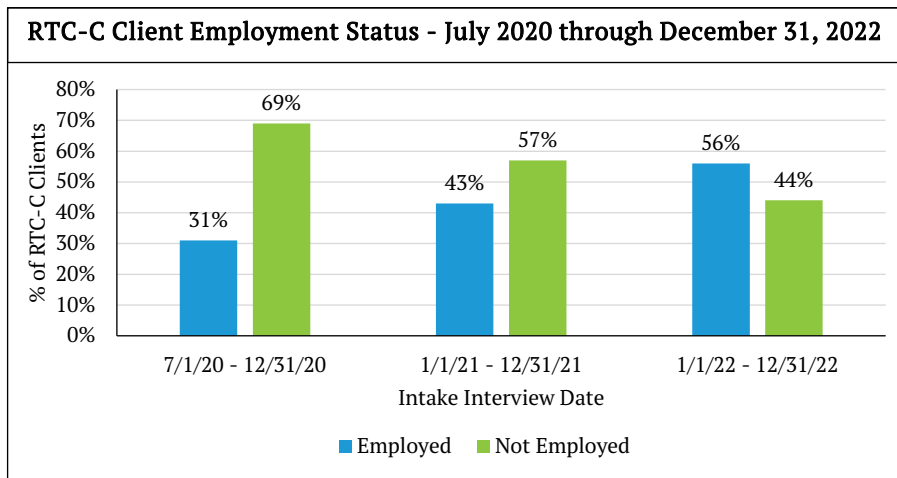


**Figure 40**



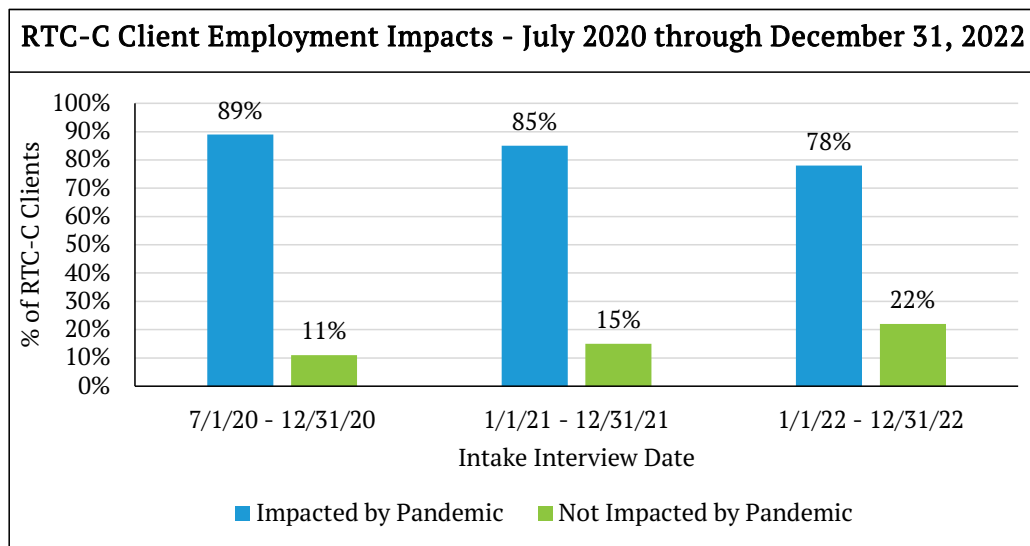
**Figure 41**

Figure 42 shows the change in the percentage of RTC-C clients indicating they were working from July 2020 through December 31, 2022. Since July 2020, there has been a significant increase in the percentage of RTC-C clients who were employed at the time of their RTC-C intake interview. However in 2022, approximately 44% of RTC-C clients indicated they were not employed. While this is a decrease of 25 percentage points from July 2020, it demonstrates that nearly half of RTC-C clients are not employed at the time of their RTC-C intake interview. Of the 44% of RTC-C clients who indicated they were not employed, approximately 70% indicated they were seeking employment.



**Figure 42**

RTC-C clients continue to indicate the COVID-19 pandemic has impacted their employment. Of RTC-C clients who went through the RTC-C intake process in 2022 and were employed, approximately 78% indicated the pandemic impacted their employment. Of RTC-C clients who went through the RTC-C intake process in 2021 and were employed, approximately 85% indicated the pandemic impacted their employment. Of RTC-C clients who went through the RTC-C intake process between July 1, 2020 and December 31, 2020 and were employed, approximately 89% indicated the pandemic impacted their employment. Figure 43 shows the change in the percentage of RTC-C clients who were employed and indicated their employment was impacted by the pandemic from July 2020 through December 31, 2022.



**Figure 43**

While the percentage of employed RTC-C clients indicating their employment was impacted by the pandemic decreased from 89% from July through December 2020 to 78% from January

through December 31, 2022, there continues to be a significant intersection between COVID-19 and eviction, particularly for workers with low incomes. Needing to quarantine and miss work (either because they, their child, or someone else in their household is sick) can have a significant impact on a person's ability to work, or the necessity of unexpected expenses. RTC-C client households, who always have incomes of 100% or less of the FPL, likely do not have the financial flexibility to miss work without impacting their income. The combination of COVID-19, the flu, and respiratory syncytial virus (RSV) throughout 2022 may have put renters with low incomes on the edge of eviction – that is, in addition to eviction impacting the health of residents, residents' health can be a cause of eviction through loss of employment or unexpected increase in expenses and the resulting disruption to income.

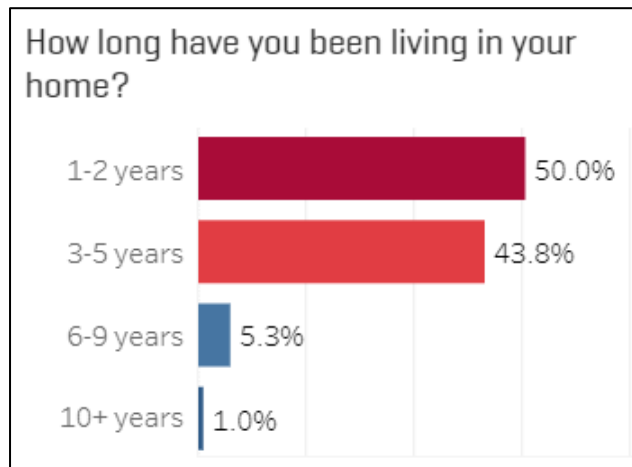
The employment status of RTC-C clients differed based on the client's household income relative to the FPL. The following employment statuses are for RTC-C clients who went through the RTC-C intake process in 2022 compared to RTC-C clients who went through the RTC-C intake process in 2021:

- Household income of 0%-25% of the FPL
  - 2022: 65% not employed; 35% employed
  - 2021: 78% not employed; 22% employed
- Household income of 25.1%-50% of the FPL
  - 2022: 55% not employed; 45% employed
  - 2021: 58% not employed; 42% employed
- Household income of 50.1%-75% of the FPL
  - 2022: 35% not employed; 65% employed
  - 2021: 60% not employed; 40% employed
- Household income of 75.1%-100% of the FPL
  - 2022: 17% not employed; 83% employed
  - 2021: 32% not employed; 68% not employed

### *Lease Type, Terms, and Desire to Stay in Home*

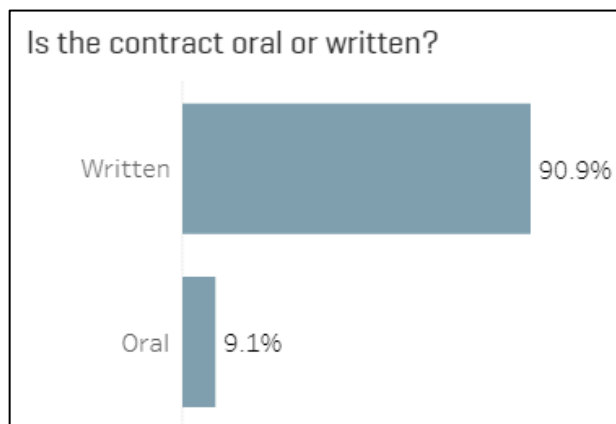
Approximately 81% of RTC-C clients were living in private housing, and 19% were living in public housing or received a housing voucher or subsidy. Approximately 50% were living in their home for 1-2 years, approximately 44% of RTC-C clients were living in their home for 3-5 years, and approximately 6% were living in their home for six or more years. Figure 44 shows the distribution of RTC-C clients by how long they had been living in their home.



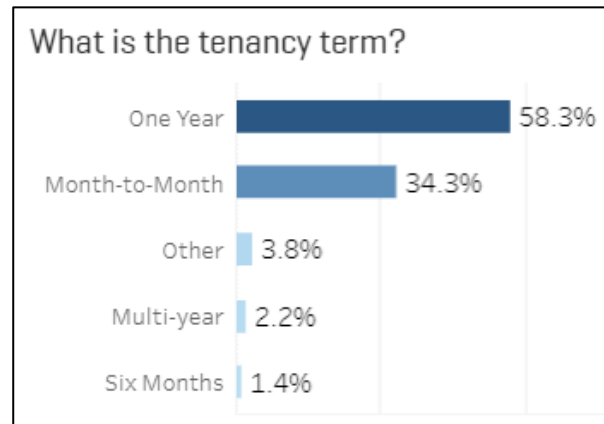


**Figure 44**

Approximately 91% of RTC-C clients indicated that they understood they had a written lease and approximately 9% indicated that they believed they had an oral lease with their rental property owner (Figure 45). Approximately 58% of RTC-C clients had a 1-year lease, approximately 34% had a month-to-month lease, and approximately 8% had 6-month, multi-year, or other lease durations (Figure 46). Of the 9% of RTC-C clients who believed they had an oral lease, approximately 85% indicated they had a month-to-month lease.



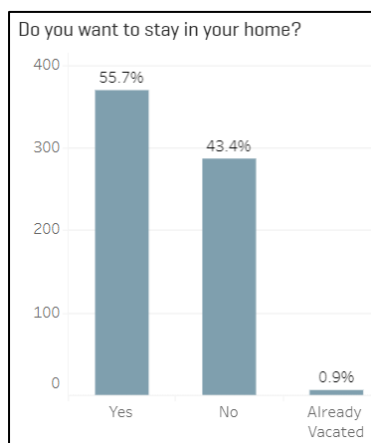
**Figure 45**



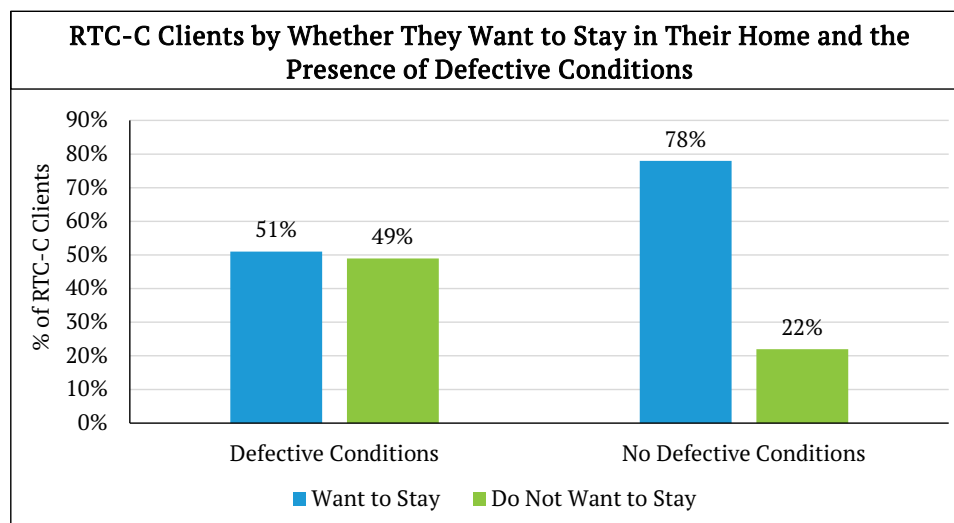
**Figure 46**

Understanding what RTC-C clients are seeking to achieve in their case is critically important to Cleveland Legal Aid and evaluating the impact of RTC-C. When asked if they wanted to stay in their home, approximately 56% of RTC-C clients indicated that they did, approximately 43% indicated that they did not, and approximately 1% indicated they already left their home (Figure 47). RTC-C clients' desire to stay in their home did not change materially between 2021 and 2022. Approximately 82% of RTC-C clients indicated there were defective conditions in their home (see the next section for details). Of the 82% of RTC-C clients who indicated there were defective conditions in their home, approximately 51% indicated they wanted to stay in their

home. Of the 18% of RTC-C clients who indicated there were not defective conditions in their home, approximately 78% indicated they wanted to stay in their home (Figure 48).



**Figure 47**



**Figure 48**

Significantly more RTC-C clients who were not experiencing defective conditions wanted to stay in their homes than to RTC-C clients who were experiencing defective conditions. However, more than half of RTC-C clients who indicated there were defective conditions in their home wanted to stay in their home. Stout has learned that many renters with low incomes who are facing eviction throughout the country, including Cleveland, are indicating they want to stay in their homes, even if there are significant defective conditions because they do not have anywhere else to go or the alternative is entering emergency shelter or living unsheltered.

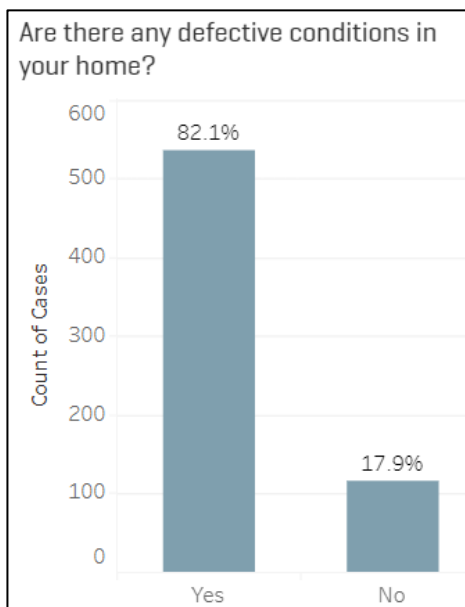
When RTC-C clients want to stay in their home, Cleveland Legal Aid can help clients achieve this goal by negotiating with rental property owners or their counsel about terms for paying back rent owed. When RTC-C clients do not want to stay in their home, Cleveland Legal Aid can assist clients in their negotiation with rental property owners or their counsel to resolve cases efficiently and effectively, help clients understand their rights and the legal process, and secure time for clients to move enabling them to find alternative housing and minimizing disruption to their lives. Cleveland Legal Aid can also serve as an important connector to other housing services (e.g., relocation services, moving assistance, United Way 2-1-1).

### *Presence of Defective Conditions*

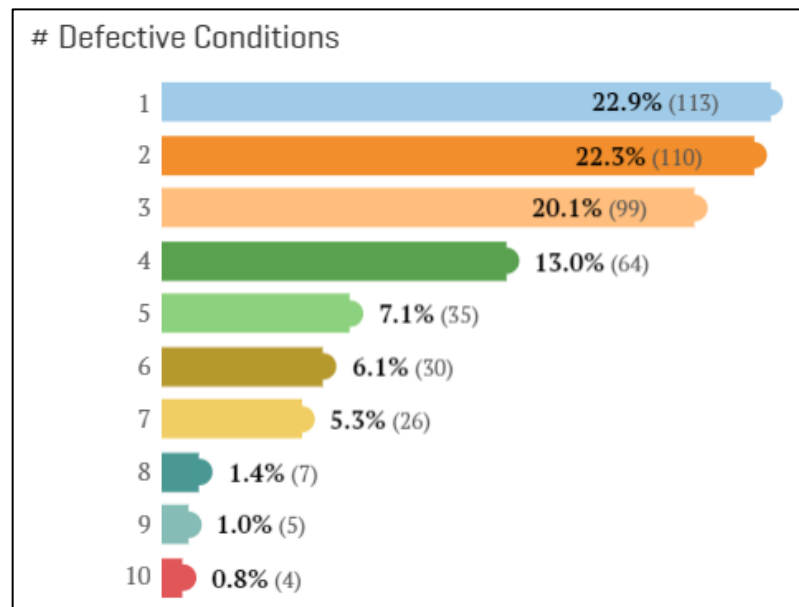
Stout learned from Cleveland Legal Aid attorneys and representatives from Cleveland community organizations that Cleveland’s rental stock, particularly for renters with low incomes, has significantly defective housing conditions. These issues included but were not limited to: inadequate or inoperable toilets, sinks, and showers; inadequate or inoperable heat during winter months; mold and mildew; holes in walls, roofs, and floors; rodent infestations; leaks and flooding during rain; broken or missing doors and windows; exposed electrical wiring;

and lead. The prevalence of these defective housing issues may influence 43% of RTC-C clients who indicated they did not want to stay in their home.

Approximately 82% of RTC-C clients indicated that there were defective conditions issues in their home (Figure 49), and of these clients, approximately 96% indicated that they made the rental property owner aware of the defective conditions. Approximately 77% of RTC-C clients with defective conditions in their homes indicated that there were multiple defective conditions (Figure 50). The three most frequently cited defective conditions were plumbing issues (24%), pest infestation (23%), and wall/ceiling/floor damage (20%).

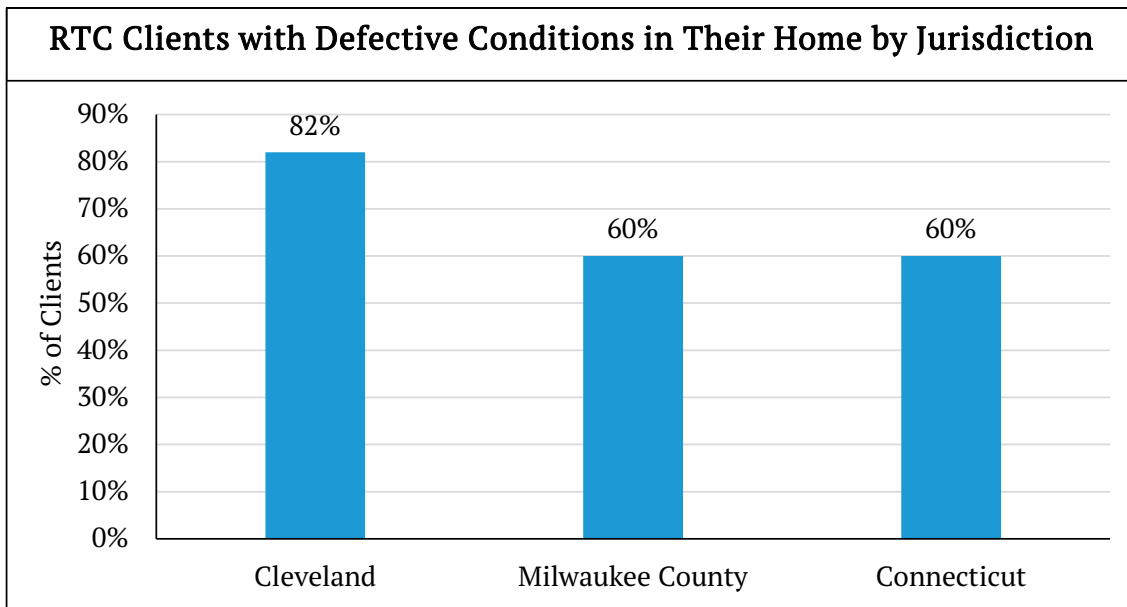


**Figure 49**



**Figure 50**

By comparison, Stout’s evaluation of Milwaukee County’s and Connecticut’s Eviction Right to Counsel Programs found that approximately 60% of clients in these jurisdictions indicated they had defective conditions in their homes. Figure 51 shows the percentage of clients indicating there are defective conditions in their homes, comparing Cleveland to other jurisdictions where Stout is conducting eviction right to counsel evaluations.



**Figure 51**

The prevalence of conditions issues identified by RTC-C clients does not appear to differ materially by FPL, whether the client was living in private market housing or subsidized housing, type of lease (written v. oral), or length of lease. Given that approximately 82% of RTC-C clients indicated their home had defective conditions, and approximately 77% of homes with defective conditions had multiple defective conditions, it is clear that most RTC-C cases have substantive issues, complications, or disputes of fact beyond the non-payment of rent. These metrics relate specifically to RTC-C clients (instances where individuals have sought legal assistance with their eviction case) and may not apply to all eviction filings.

Stout also analyzed the frequency of RTC-C clients indicating the presence of lead in their home. Of RTC-C clients indicating their home had defective conditions, approximately 5% identified lead as a defective condition. However, this metric could be significantly understated as many tenants may not be aware of the presence of lead in their homes. Of the 5% of RTC-C client households with lead as a defective condition in their home, approximately 55% had at least one child under the age of six years. These findings highlight a potential intersection between RTC-C eligible tenants and their household having characteristics that qualify for Cleveland’s Lead Hazard Control Program.

***Alternative Living Arrangements if Evicted or Forced to Move***

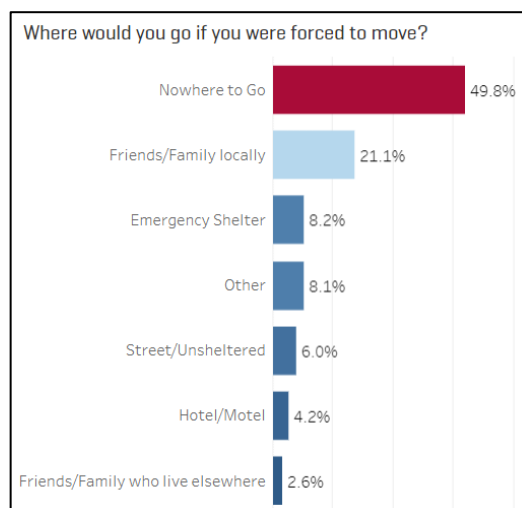
Research from around the country has demonstrated that when people experience eviction, particularly when they must navigate the eviction process unassisted, they often subsequently experience homelessness. Entering an emergency shelter or living unsheltered is generally not immediate, however. People are more likely to stay with family and friends while seeking alternative housing, but if alternative housing is unavailable, people experiencing eviction may

need to access the shelter system. An estimated 15% to 25% of people who experience eviction will also experience homelessness or enter the emergency shelter system.<sup>22</sup>

Understanding where people would go if they were evicted, or otherwise disruptively displaced, provides insights into the social safety net responses to eviction. During the intake interview, RTC-C clients were asked where their household would stay if they had to move. Approximately 50% indicated that they had nowhere to go. Cleveland Legal Aid attorneys indicated that clients who answered with this response likely do not have anywhere to go or have not yet considered where they could go if they had to move. Approximately 21% said that they would stay with family or friends locally, 8% indicated that they would need to enter emergency shelter, 8% indicated that they had other plans, 6% indicated that they would live unsheltered or on the street, 4% indicated they would live in a hotel/motel, and 3% indicated they would stay with family or friends outside of Cleveland (Figure 52).

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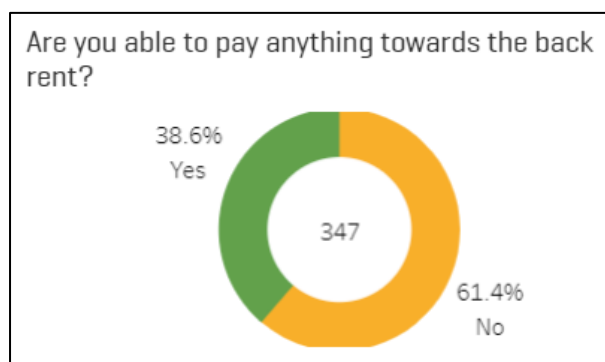
<sup>22</sup> See: “Capacity and Gaps in the Homeless Residential and Service System, Harris and Fort Bend Counties.” Coalition for the Homeless Houston/Harris County. 2011. “Regional Networks to End Homelessness Pilot Final Evaluation Report.” Massachusetts Interagency Council on Housing and Homelessness. February 15, 2011. “Homeless Service Utilization Report.” Center on Family at the University of Hawaii and the Homeless Programs Office of the Hawaii State Department of Human Services. 2010. “Losing Home: The Human Cost of Eviction in Seattle.” The Seattle Women’s Commission and the Housing Justice Project of the King County Bar Association. September 2018. Metraux, Stephen PhD et al. “Prior Evictions Among People Experiencing Homelessness in Delaware.” Delaware Academy of Medicine/Delaware Public Health Association. August 2022. Flaming, Daniel et al. “Escape Routes: Meta-Analysis of Homelessness in L.A.” Economic Roundtable. April 2018. San Francisco Right to Civil Counsel Pilot Program Documentation Report. John and Terry Levin Center for Public Service and Public Interest, Stanford Law School. May 2014. Collinson, Robert and Reed, Davin. “The Effects of Evictions on Low-Income Households.” New York University Law. December 2018. “The Rising Number of Homeless Families in NYC, 2002-2012: A Look at Why Families Were Granted Shelter, the Housing They Had Lived in and Where They Came From.” New York City Independent Budget Office. 2014. Rolston, Howard et al. “Evaluation of the Homebase Community Prevention Program.” Abt Associates. June 2013. Culhane, Dennis et al. “Testing a Typology of Family Homelessness Based on Patterns of Public Shelter Utilization in Four U.S. Jurisdictions: Implications for Policy and Program Planning.” Housing Policy Debate. May 2007.



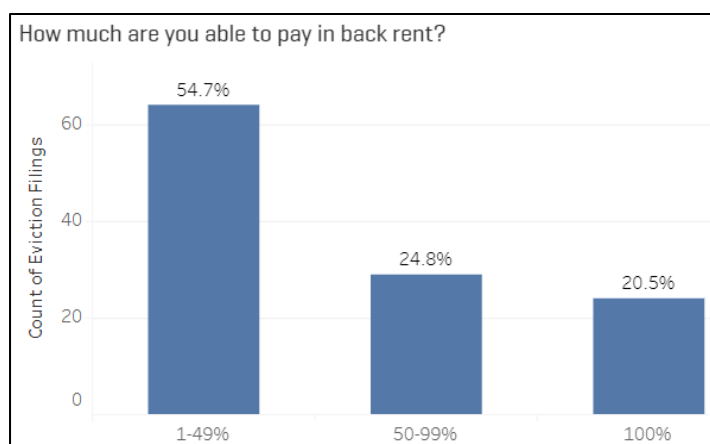
**Figure 52**

### *Ability to Pay Back Rent Owed and Potential Defenses*

When asked if they could pay anything toward the back rent owed, approximately 39% of RTC-C clients indicated they could. Of the 39% who indicated they could pay something toward the back rent owed, approximately 21% indicated they could pay all the back rent owed, approximately 25% indicated they could pay 50%-99% of the back rent owed, and approximately 55% indicated they could pay 1%-49% of the back rent owed. Figures 53 and 54 shows these metrics.



**Figure 53**

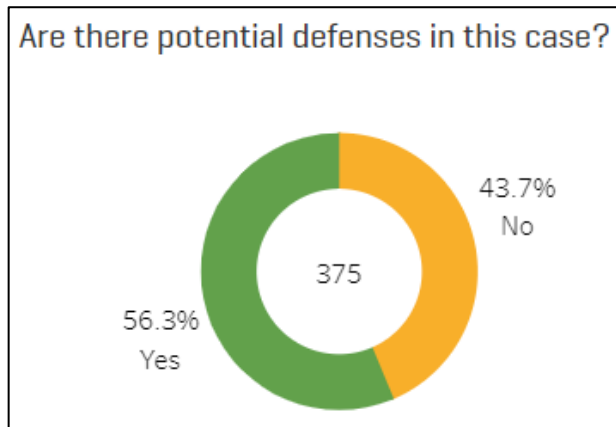


**Figure 54**

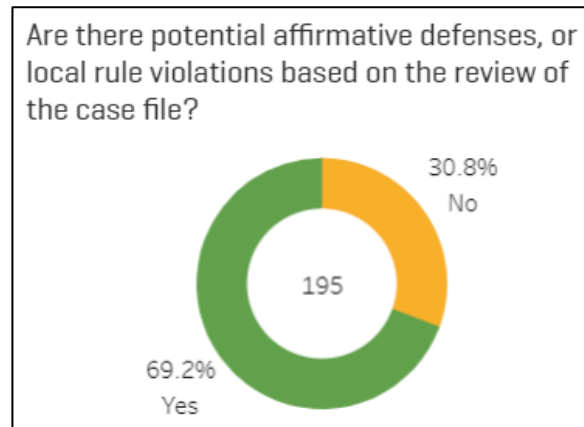
Of the 21% of clients indicating they could pay all the back rent owed, approximately 61% indicated they were experiencing defective conditions in their homes.<sup>23</sup> It is possible a subset of these RTC-C client households withheld rent due to defective conditions.

<sup>23</sup> For additional context, the total number of RTC-C clients from in 2022 indicating they could pay all the back rent owed was 23. Of the 23 responses, 14 RTC-C clients indicated there were defective conditions in their home.

In 2022, Cleveland Legal Aid began collecting new data points to understand better the frequency with which RTC-C clients have potential legal defenses to their eviction cases. In 2022, approximately 56% of RTC-C clients had potential legal defenses in their cases (Figure 55). Of the 56% of RTC-C clients with potential legal defenses in their cases, approximately 69% had potential affirmative legal defenses or local rule violations in their cases (Figure 56).



**Figure 55**



**Figure 56**

Of the 44% of RTC-C clients who may not have potential legal defenses in their case, approximately 78% are experiencing defective conditions, approximately 32% were not approved for emergency rental assistance (approximately 56% were unsure if they were approved for emergency rental assistance), and approximately 54% indicated they or someone else in their household had a disability. Furthermore, case notes from Cleveland Legal Aid attorneys for cases where there were not potential legal defenses qualitatively detail legal issues and challenges RTC-C clients are experiencing even though they may not be raised as defenses – for example:

- An RTC-C client with a Housing Choice Voucher was facing a termination of tenancy after their home failed an inspection. Cleveland Legal Aid contacted CHN and CHMA as part of its work and was able to have the case dismissed without prejudice and have the plaintiff waive the second cause (claim for back rent or other money damages).
- An RTC-C client applied for emergency rental assistance a few days before receiving a 3-day notice. The client had been making partial rent payments for several months but could no longer be able to make partial payments because of a change in employment. Cleveland Legal Aid entered a limited scope agreement with the client and worked with CHN to process the client’s application for emergency rental assistance. Cleveland Legal Aid was able to get the first cause dismissed with an Agreed Judgment Entry saying the landlord would accept rent assistance, and the second cause was dismissed. The client wanted to stay in the home and was able to do so as a result of Cleveland Legal Aid’s assistance.

- An RTC-C client was facing a termination of tenancy after the rental property owner indicated they did not want to renew the client's lease. The client indicated their family would live on the street or unsheltered if they were forced to move, but they also did not want to stay in their current home. Cleveland Legal Aid was able to negotiate with the rental property owner to dismiss the case with a move out agreement that allowed the client to remain in the property (paying rent) for 6 weeks while they found alternative housing. Because of Cleveland Legal Aid's representation, the client secured additional time to move and avoided the disruption and trauma of moving on an expedited timeline, which according to the client, would have resulted in their household living on the street or unsheltered.

These findings highlight the importance of not only having legal representation in eviction cases (even when there may not be legal defenses to raise) but also the frequency with which tenants who are seeking legal representation are experiencing issues beyond the non-payment of rent. When there are potential defenses in a case, nearly 7 out of 10 of the potential defenses rise to the level of bringing an affirmative case against the rental property owner or violate local rules. Without assistance from an attorney, it is unlikely unrepresented tenants would be able to identify potential defenses in their case properly or be familiar enough with landlord-tenant law to bring an affirmative case against the rental property owner.

### *Selection Bias of RTC-C Clients Having Household or Case Characteristics Making Their Cases Complex*

RTC-C cases are not representative of all eviction filings in Cleveland. While most eviction filings in Cleveland, (and throughout the country) are brought for non-payment of rent, there are often substantive legal issues or procedural deficiencies with how the case was brought. Tenants seeking representation are doing so because they need assistance with the substantive legal issues with their case, potential defenses, or they are experiencing challenges within the household exacerbating the trauma of the eviction process. When cases do not have complex factors, Cleveland Legal Aid works promptly to resolve the case as effectively as possible. Stout analyzed court docket data and the data received from Cleveland Legal Aid to create a segmentation tree of eviction filings in Cleveland from January 1, 2022 through November 30, 2022.

Figure 57 starts with the estimated number of renter-occupied units in Cleveland (123,902) and the number of eviction filings in Cleveland from January 1, 2022 through November 30, 2022 (5,018). Dividing the number of eviction filings by the estimated number of renter-occupied units results in an estimated eviction filing rate of 4% in Cleveland. Of the 5,018 eviction filings in Cleveland from January 1, 2022 through November 30, 2022, approximately 35% (1,764) were likely eligible for RTC-C.<sup>24</sup> Of the estimated 1,764 eviction filings in Cleveland where the tenant

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<sup>24</sup> Stout developed this independent estimate using publicly available research and reports relating to the incomes of tenants experiencing eviction and tenants appearing in housing courts across the country. See:



is eligible for RTC-C, approximately 1,010 (approximately 57% of estimated eligible tenants and approximately 20% of total tenants with an eviction filing) have been assisted by RTC-C. As previously discussed, Cleveland Legal Aid attorneys exercise professional judgment in determining what level of service is most appropriate for a client depending on the phase and facts of the case, as well as the presence of substantive legal issues. Of the 1,010 cases Cleveland Legal Aid closed in 2022, Cleveland Legal Aid provided extensive service in 929 (approximately 92%) cases and 81 (approximately 8%) received a different service level that matched their legal needs – not because capacity was constrained.<sup>25</sup> Trained, experienced RTC-C attorneys exercise professional judgment in determining the level of service each client requires.

In jurisdictions where Stout has conducted evaluations of eviction right to counsel/eviction defense programs, attorneys representing tenants in eviction proceedings have communicated (and the data collected has shown) that tenants are often trying to navigate complex situations related to their eviction. Stout has considered feedback from attorneys representing tenants throughout the country in the development of five issues increasing the complexity of eviction cases for tenants seeking representation. Those five issues are:

- The presence of defective conditions
- Having an oral lease
- Living in public housing or having a voucher/subsidy
- Having previous issues with management
- Having a household member (adult or child) with a disability or health condition.

Stout analyzed data from the client intake interview to determine the frequency with which RTC-C clients indicated they were experiencing at least one of these issues approximately 86% of RTC-C cases. In its evaluation of Connecticut and Milwaukee’s eviction Right to Counsel Programs, Stout found approximately 100% and 86% (respectively) of closed extensive service cases had at least one complex case criteria.

The bottom case segmentation tree branch shows the frequency of the 5 complex issues individually (boxes A-E) and the percentage of cases where multiple complex issues exist. Approximately 454 (57%) of closed RTC-C cases where Cleveland Legal Aid provided extensive service had a client experiencing multiple complex issues.

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“Housing Court, Evictions and Homelessness: The Costs and Benefits of Establishing a Right to Counsel.” Community Training and Resource Center and City-wide Task Force on Housing Court, Inc. 1993. Krenichyn, Kira and Shaefer-McDaniel, Nicole. “Results From Three Surveys in New York City Housing Courts.” Center for Human Environments, Graduate Center of the City University of New York. 2007. Desmond, Matthew. “Who gets evicted? Assessing individual, neighborhood, and network factors.” Social Science Research. 2016. “ALICE Research Methodology.” United for ALICE. 2020.

<sup>25</sup> Although Cleveland Legal Aid realizes efficiencies as attorneys gain more experience, it continues to monitor capacity to ensure RTC-C clients receive the level of service required by the facts and phase of their case.

This analysis demonstrates that when tenants seek assistance from Cleveland Legal Aid, they are doing so because there are substantive legal issues and/or challenges they are experiencing beyond the non-payment of rent. It is important to reiterate this does not apply to all eviction filings in Cleveland. There are undoubtedly eviction filings in Cleveland where the only issue is the non-payment of rent. Based on the data collected by Cleveland Legal Aid, however, it appears tenants in Cleveland facing eviction are experiencing substantive legal issues, case complexities, and complicated personal circumstances.

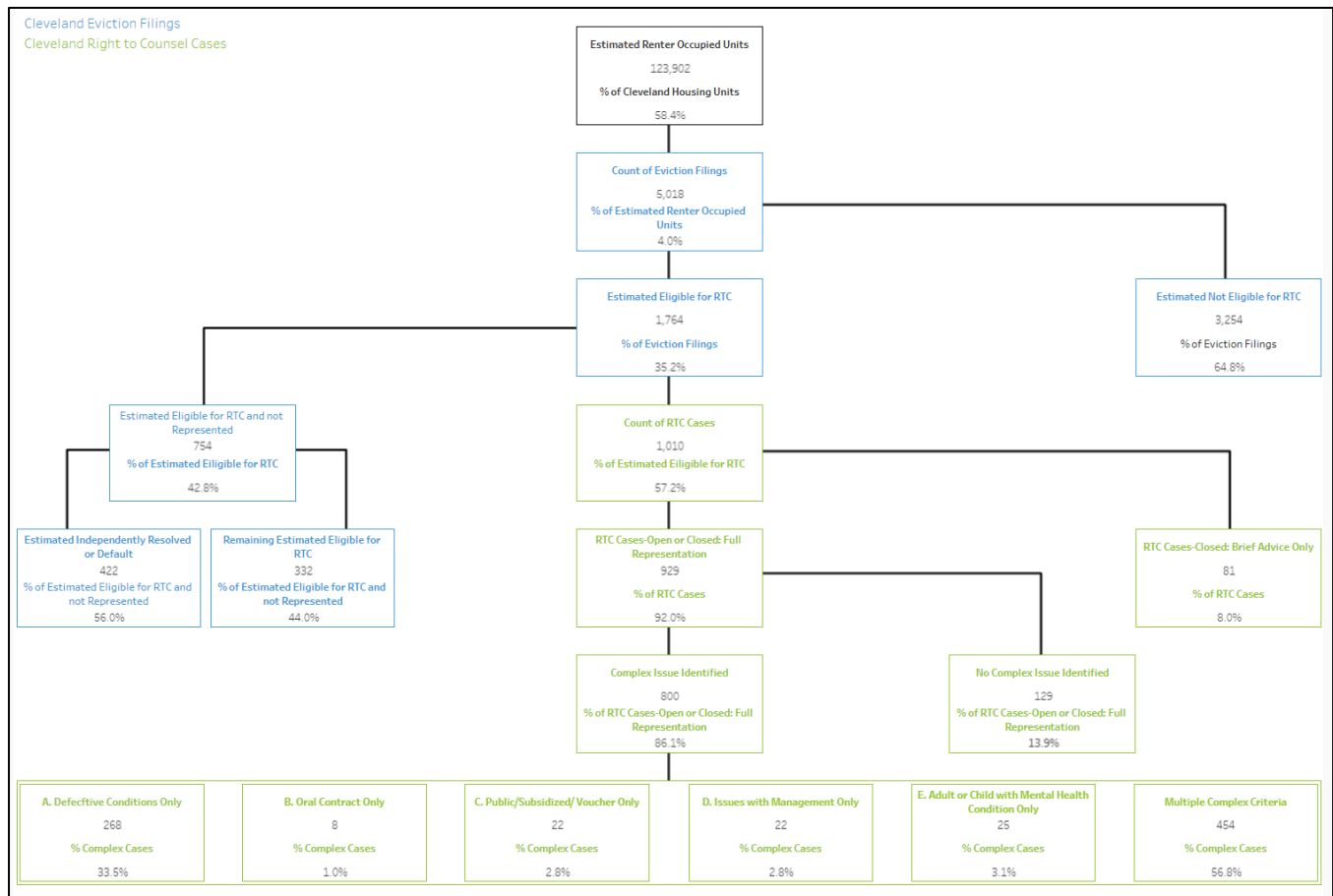


Figure 57

### The Time Required to Represent RTC-C Clients

Throughout the evaluation of RTC-C, Stout worked with Cleveland Legal Aid to understand the amount of time required to effectively represent RTC-C clients and the factors that can contribute to it. Cleveland Legal Aid staff, including certain non-attorney staff, aim to record the time they spend on each case each day. However, the practical difficulties of ensuring complete time entry, particularly for a non-profit organization, can be significant. Detailed time entry is an administrative task that can be challenging to complete while balancing active cases,

new cases, client interview processes, and other tasks. Other considerations important in the analysis and interpretation of time entry data include, but are not limited to:

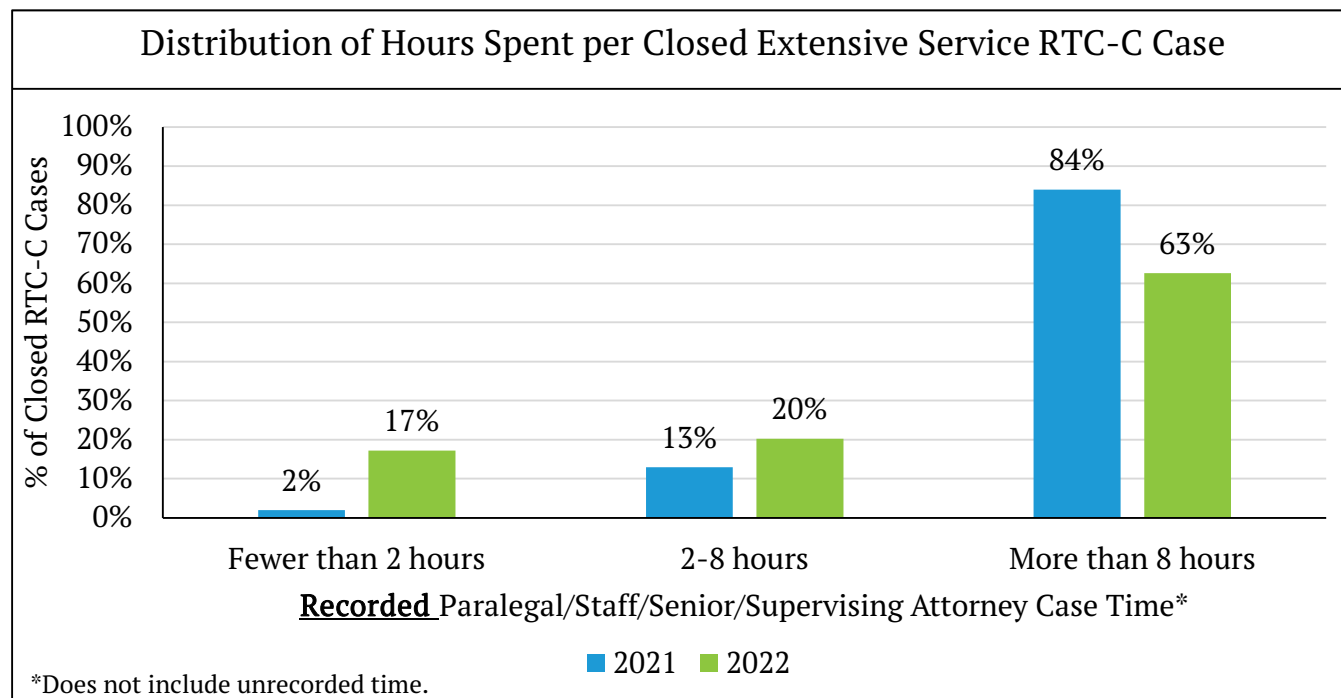
- Staff often interact with multiple cases for small increments of time that may not always be recorded.
- Staffing models and the availability of personnel other than staff attorneys and supervising attorneys (e.g., paralegals, clerical and administrative staff, intake specialists, social workers, case managers) can significantly influence the amount of time spent on cases by staff attorneys and supervising attorneys. When there are adequate personnel to assist with certain tasks, staff attorneys can focus their time and efforts on legal assistance and could complete more cases in a particular year.
- Staff turnover can limit the ability to recognize efficiencies that would otherwise arise from training and work experience. Staff turnover can have the additional effect of requiring experienced attorneys to assist new attorneys (or other staff) and thus make the experienced attorneys unable to commit as much time in a year to client work.
- Court processes and the availability of rental assistance and other supports can impact the amount of time spent on cases and reasonable caseload expectations. These variables can also change over time. Thus, when analyzing time entry and caseload data, one must consider the period in which the analyses are completed and conclusions are drawn. Findings and conclusions in one period may not be relevant or appropriate in a later period (and certainly may not be comparable to another jurisdiction).

Understanding the ecosystem in which RTC-C operated during 2022 is critical to analyzing the time spent on RTC-C cases by staff at Cleveland Legal Aid. The availability of rental assistance, court operations, case complexity, staffing models, staff hiring, training and turnover, and other factors have individual and collective impacts on the amount of time it takes to represent RTC-C clients effectively. These factors, at a minimum, must be considered when analyzing the amount of time spent representing RTC-C clients in 2022 and estimating reasonable attorney caseloads.

For cases closed in 2021 where the client received extensive service, the average number of recorded hours spent on RTC-C cases (across all staffing positions) was approximately fifteen hours. For cases closed in 2022 where the client received extensive service, the average recorded hours spent on RTC-C cases (across all staffing positions) was approximately twelve hours.

Figure 58 shows the distribution of hours spent per closed extensive service RTC-C case for 2021 and 2022. Between 2021 and 2022 there was a significant decrease in the number of closed extensive services cases where there were more than eight hours of recorded time by paralegals,

staff attorneys, senior attorneys, and/or supervising attorneys and a simultaneous increase in the number of closed extensive service RTC-C cases where there were fewer than two hours of recorded time and between two and eight hours of recorded time.



**Figure 58**

Cleveland Legal Aid indicated increased efficiency among staff as they become more experienced, working relationships that have been fostered with rental property owners and/or their counsel, and the availability of emergency rental assistance likely contributed to the decrease in the percentage of extensive service RTC-C cases with more than eight hours of recorded time. It is also important to appreciate other factors that could have contributed to fewer hours of case time recorded for extensive service cases. For example, it is possible that not all time for a given case was recorded before it was closed, and staffing model changes at Cleveland Legal Aid could have contributed to the overall change in recorded case time.

Again, it is important to consider unrecorded time, which may include time spent by staff replying to e-mails or other client correspondence, organizing client documents, and performing other administrative tasks related to a certain case. Because unrecorded time could not be analyzed, Stout’s calculations related to the time it takes to provide extensive service in RTC-C cases is understated because unrecorded time could not be analyzed.

### *Findings from Door-to-Door Canvassing*

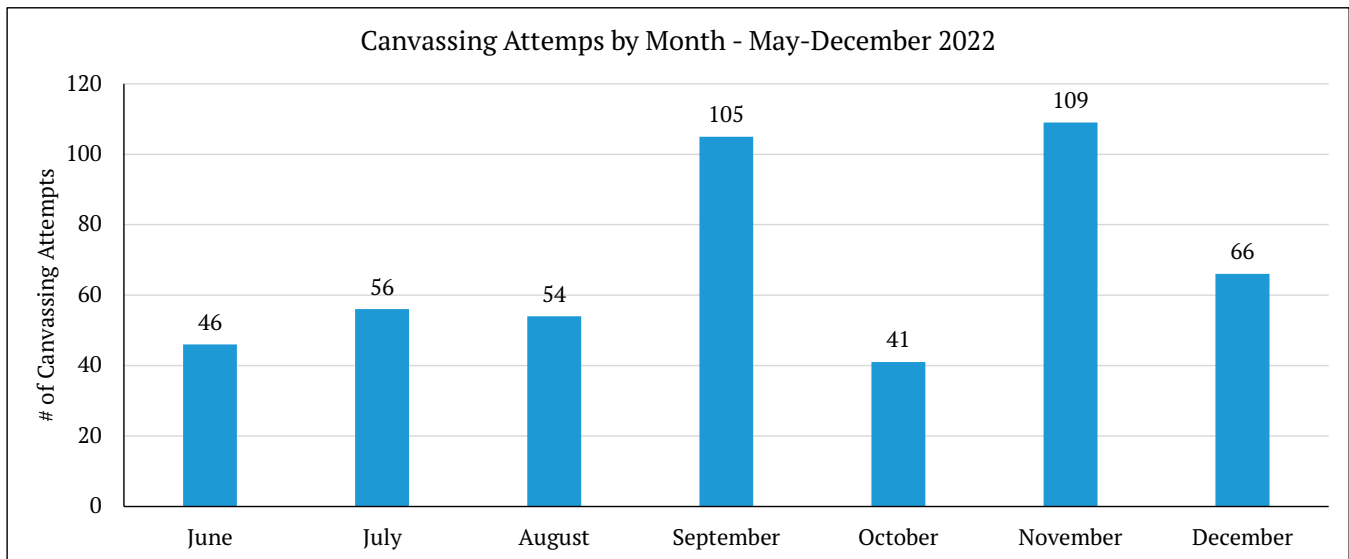
In early 2022, United Way partnered with the Northeast Ohio Coalition for the Homeless (NEOCH) to conduct door-to-door canvassing of Cleveland residents when they had an eviction

complaint filed against them. Stout assisted United Way and NEOCH with developing data elements to collect when interacting with a resident during door-to-door canvassing. The data elements included but were not limited to:

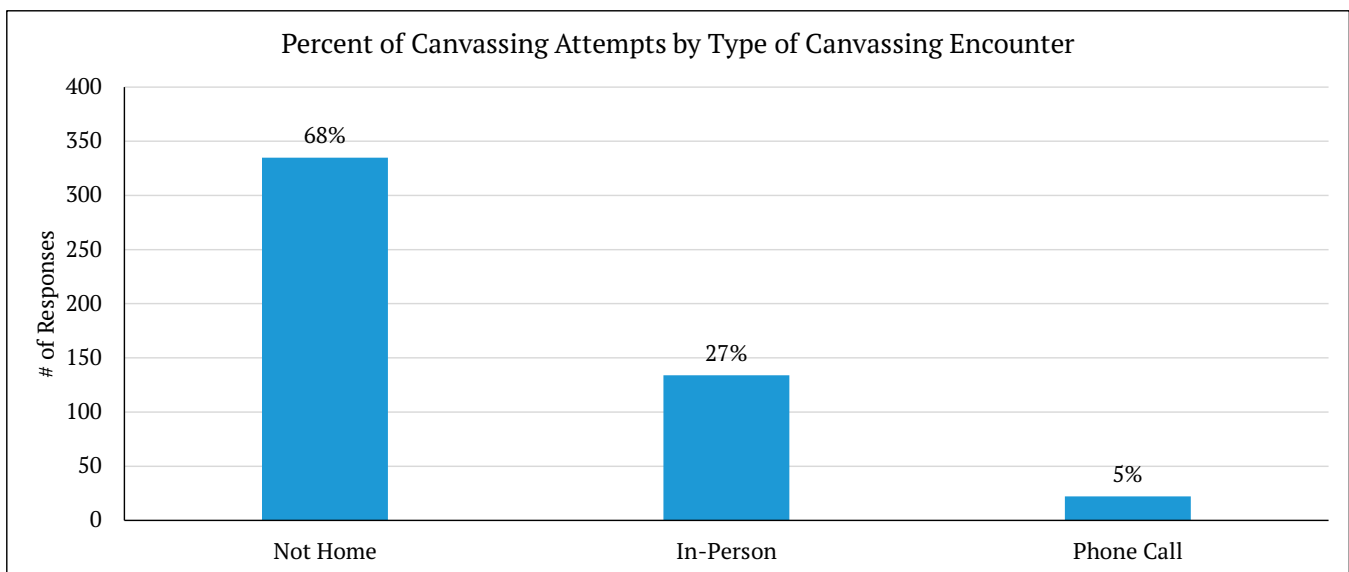
- How the resident discovered the rental property owner was seeking to evict them
- If the resident was evicted, where they would go
- If the resident is eligible for RTC-C
- If the resident was planning to attend their hearing
- If the resident was planning to seek assistance from an attorney

Understanding the experiences of tenants who are facing eviction but who may not (yet) be connected with Cleveland Legal Aid is important. The perspectives shared by tenants with whom canvassers interacted can provide insight regarding unrepresented tenants' approach to the eviction process and opportunities for Cleveland Legal Aid and United Way to refine their outreach and communication strategies.

From May 11, 2022 through December 27, 2022, NEOCH canvassers made nearly 600 canvassing attempts. In approximately 68% of canvassing attempts, no one answered the door. In approximately 27% of canvassing attempts, the canvasser spoke to someone in-person. If no one answered the door, canvassers left behind materials with information about RTC-C and how to contact the canvasser for further information. In approximately 5% of all canvassing attempts (and 7% of canvassing attempts where materials were left behind), the person the canvasser sought called them back. Figures 59 and 60 show these metrics for all canvassing attempts.



**Figure 59**



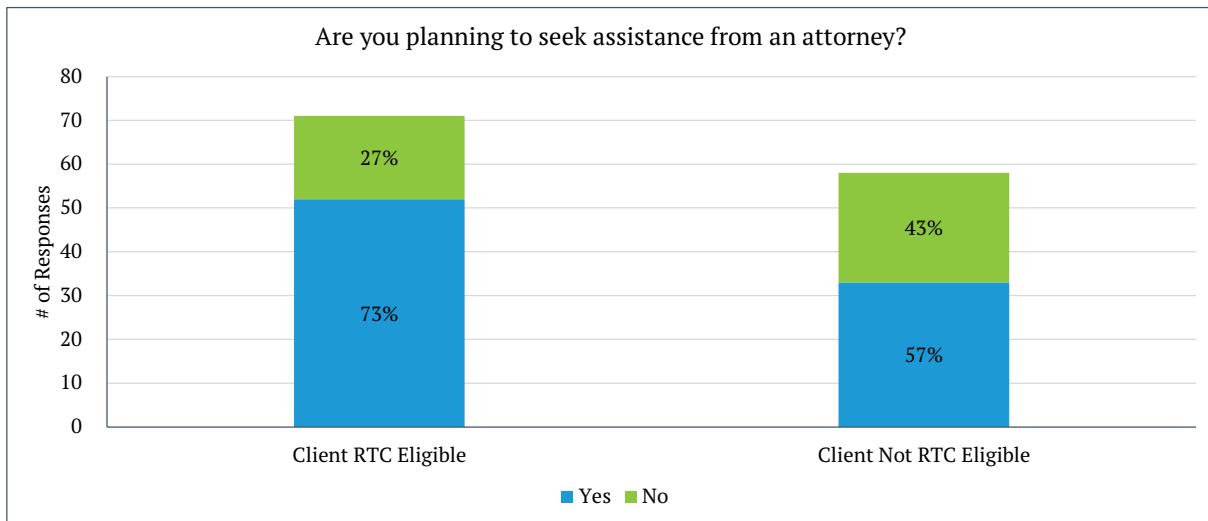
**Figure 60**

Approximately 69% of tenants interacting with a canvasser indicated they were planning to seek assistance from an attorney. However, only approximately 16% of tenants were represented in eviction filings in Cleveland in 2022 (through September 30).<sup>26</sup>

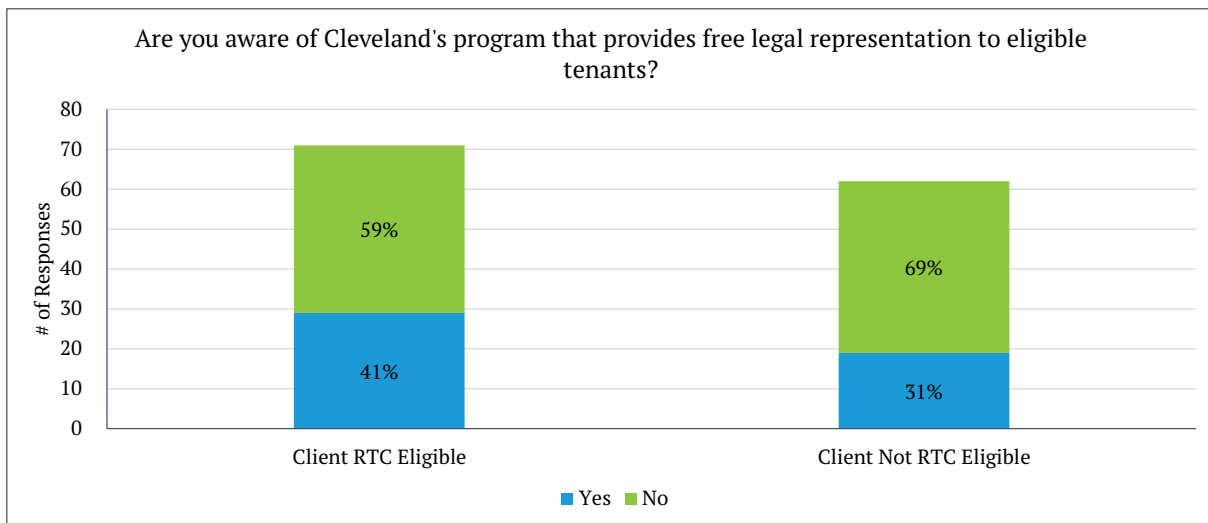
Approximately 57% of tenants interacting with a canvasser were eligible for RTC-C (i.e., had household income of 100% of the FPL or less and had at least one child in the home). Although approximately 57% of tenants interacting with a canvasser were eligible for RTC-C, only 36% were aware of RTC-C at the time of the canvassing.

<sup>26</sup> See page 23 for a detailed analysis of party representation rates.

When analyzing the canvassing data separately for tenants who were eligible for RTC-C compared to tenants who were not eligible for RTC-C, there were two primary differences. Significantly more tenants who were eligible for RTC-C indicated they planned to seek assistance from an attorney (73%) compared to tenants who were not eligible for RTC-C (57%). More tenants who were eligible for RTC-C indicated they were aware of RTC-C (41%) compared to tenants who were not eligible for RTC-C (31%). Figures 61 and 62 show these metrics.



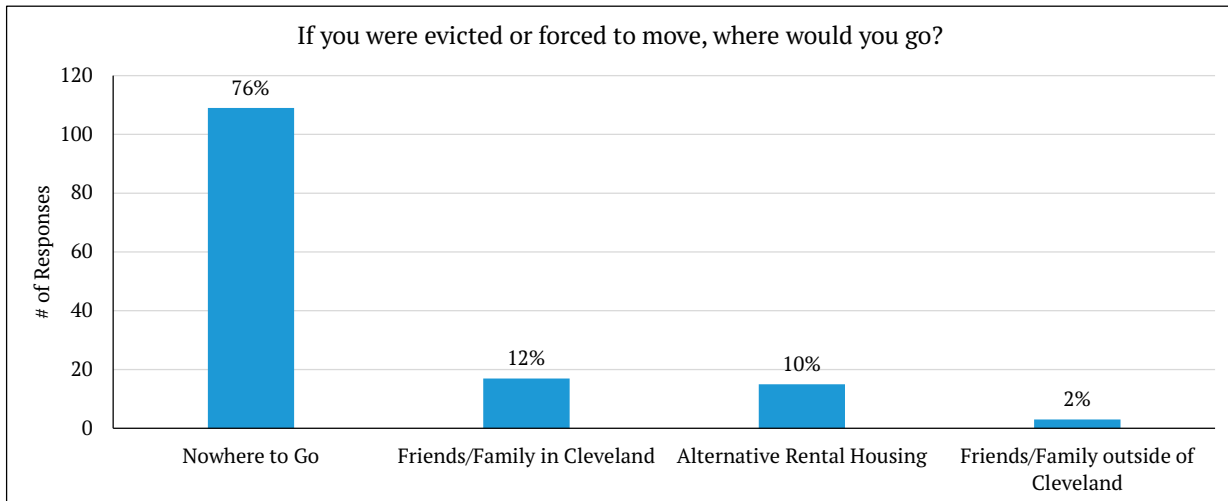
**Figure 61**



**Figure 62**

Approximately 67% of tenants who were contacted by canvassers indicated they found out the rental property owner was trying to evict them through a court notice, approximately 20% indicated they found out from a notice provided by the rental property owner, and approximately 13% indicated they found out a different way.

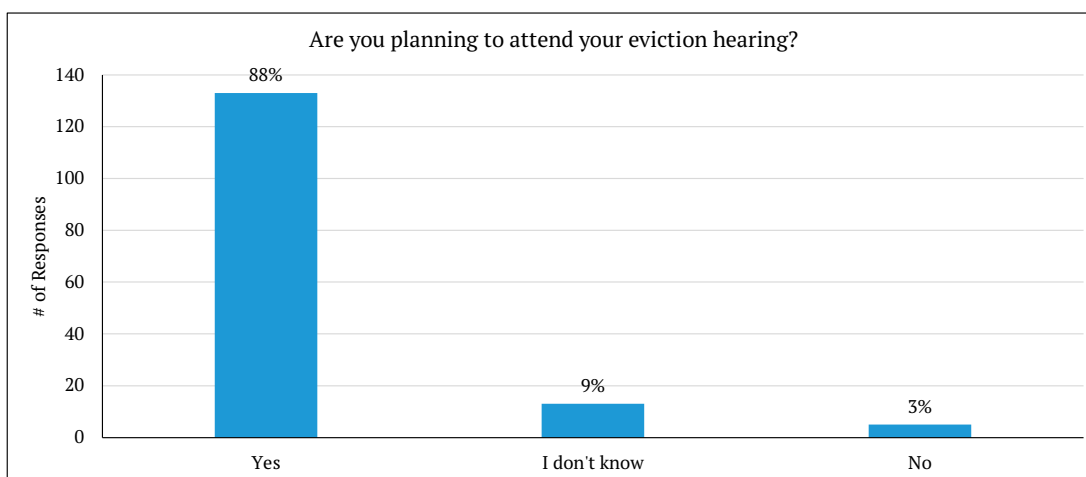
Like RTC-C clients going through the intake and interview process with Cleveland Legal Aid, tenants interacting with canvassers were asked where they would go if they were evicted or forced to move. The responses to this question are shown in Figure 63.



**Figure 63**

Compared to RTC-C clients, tenants who were canvassed more frequently indicated they had nowhere to go (76% compared to 50% of RTC-C clients). More RTC-C clients indicated they would live with friends/family in Cleveland or friends/family outside of Cleveland. It is possible that more tenants who were canvassed indicated they had nowhere to go because they had not yet considered alternative housing arrangements in ways RTC-C clients had.

Tenants interacting with canvassers were asked if they were planning to attend their eviction hearing. Approximately 88% of tenants indicated they were, approximately 9% did not know, and approximately 3% were not planning to attend their eviction hearing (Figure 64). These metrics are consistent with findings from door-to-door canvassing of residents facing eviction in Milwaukee.



**Figure 64**



Asking tenants whether they were planning to attend their eviction hearing may provide insight regarding the potential default rate in Cleveland (i.e., the percentage of tenants who do not appear at their hearing). Of the 88% of tenants indicating they were planning to attend their eviction hearing, approximately 80% indicated they were experiencing issues with their home, including but not limited to defective conditions. These findings suggest that tenants who may be experiencing defective conditions or other issues with their home are more likely to attend their eviction hearing. In approximately 9% of canvassing attempts, canvassers indicated there were signs that the tenant may have already left or was in the process of leaving. These indicators included but were not limited to personal belongings packed in boxes on porches, overflowing mailboxes, padlocks on doors, and feedback from neighbors that the person had recently moved out.

The door-to-door canvassing conducted by NEOCH and the data collected during canvassing has provided insights about tenant experiences with eviction filings and the eviction process, particularly for tenants who were not yet connected with (or who did not plan to connect with) legal services. In Stout's experience, the person-to-person interactions during canvassing can be impactful and valuable for informing tenants of their rights, screening for program eligibility, and connecting tenants with resources. The data collected during canvassing interactions can also inform the development of outreach and communication strategies, the creation of partnerships with local, trusted messengers and organizations, and the convening of resident focus groups to understand certain topics more deeply (e.g., why residents are unaware of RTC-C, how and from whom residents are seeking assistance with their eviction, why residents may not plan to attend their hearing, and what other barriers residents might be facing related to housing stability). The data could also be used to identify tenant characteristics or situations that may be ripe for expansion of RTC-C.

# Section III-Qualitative Evaluation Findings

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### *Perspectives from the Rental Property Owner Community*

Stout sought feedback about RTC-C from the Cleveland rental property owner community and their counsel. The feedback received in Cleveland was consistent with feedback Stout has received in Milwaukee and Connecticut. The themes were: (1) rental property owners' counsel appreciates that there are certain circumstances where a tenant could benefit from representation; (2) rental property owners believe pre-filing eviction diversion, mediation, and sustained emergency rental assistance are essential complements to eviction right to counsel programs and the ability to promptly resolve cases, although there were frustrations with the emergency rental assistance process; and (3) rental property owners are likely to adopt more stringent and robust tenant screening requirements, not as a direct response to eviction right to counsel programs, but rather in response to their experiences during the height of the pandemic.

Rental property owners communicated that legal representation is important when tenants are experiencing substantive legal issues, defective conditions, or if there are procedural issues or technical flaws with the way the eviction case was brought. Additionally, rental property owners' counsel indicated attorneys are helpful when tenants need assistance accessing emergency rental assistance or other social services. It was important to rental property owners that legal representation be assistive in achieving an effective resolution of the case and not unnecessarily extend the duration of the case.

In Stout's discussions with rental property owners throughout the country, there was consistent feedback regarding how their perceptions and expectations of the eviction process changed during and as a result of the pandemic. For example, the eviction moratorium caused them to reconsider their risk and financial exposure as they experienced significant periods without rent being paid, large amounts of arrears accumulating, and a perception that they did not have recourse (due to the moratorium).

Several rental property owners discussed the need for ongoing, sustained emergency rental assistance funds and the necessity of these funds for resolving cases where the only issue is the non-payment of rent. However, rental property owners were frustrated with how long it took to receive emergency rental assistance funds and communicated that for them to accept emergency rental assistance from a sustainable source going forward, they would need to receive the emergency rental assistance within 2-3 weeks of an application being submitted. The rental property owners appreciated and emphasized the importance of mechanisms for assistance as early in the eviction process as possible, such as pre-filing eviction diversion and mediation.

All rental property owners Stout engaged with discussed how the expected or perceived length of the eviction process impacts their business and personal decisions. Rental property owners described that when they perceive that the eviction process could take longer than the financial security they have (typically in the form of a security deposit) they would adapt their business

process to minimize their potential risk of loss. This could include requiring proof of employment history and verifying current employment, increasing income requirements to be three times rent, reviewing credit and criminal records, conducting background checks and reference checks, and increasing amounts of security deposits. One rental property owner in Connecticut communicated that if they knew the eviction process was 60 days or less, they would be more likely to accept tenants who may have marginal rental histories and/or income that is not necessarily three times the rent. This feedback is consistent with feedback from rental property owners and their counsel that Stout has engaged with in Cleveland and Milwaukee, particularly small rental property owners who may only have one to three units.

Through Stout's engagement of rental property owners across the country, it learned the importance of appreciating that in response to counsel representing more tenants in eviction proceedings and the time that may be required to resolve them, certain rental property owners may amend their business practices. It is possible that some rental property owners may request higher security deposit amounts, increase rents, or require additional compensation or tenancy terms to achieve their business objectives. There are also many other internal and external factors that impact why rents may increase or why other changes may be implemented in the rental property owner community. This is particularly true as the COVID-19 pandemic recedes, inflation continues, court processes change, rental assistance programs change or dissolve, and other macro- and micro-economic factors occur that can impact rental rates and tenancy terms for households with lower incomes. For example, rents are increasing significantly across the country, in jurisdictions with and without an eviction right to counsel and a wide variety of other tenant protections.<sup>27</sup> Disaggregating all those effects to determine the specific responses that may be related to an individual policy, particularly one that overwhelmingly provides legal representation in eviction cases where there are substantive contested issues in addition to the non-payment of rent, is exceedingly difficult.

In several jurisdictions with eviction right to counsel or eviction prevention/diversion programs, Stout has engaged with rental property owners, their counsel, and rental property managers who have indicated support for programs that ensure tenants have access to legal representation. Several attorneys representing rental property owners indicated their preference for working with a legal aid attorney rather than an unrepresented tenant and described the efficiencies in doing so. One rental property owner attorney in Cleveland communicated that Cleveland Legal Aid minimizes disruption to the lives of tenants who are experiencing an eviction filing, which is helpful in the short-term, but longer-term supports (such as rental assistance and social work) may be necessary. Rental property owners, their counsel, and rental property managers in Milwaukee and Connecticut described mediation and eviction diversion as essential components of eviction right to counsel ecosystems in that they are mechanisms for reserving the adversarial litigation process for the cases that most need it,

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<sup>27</sup> Ludden, Jennifer. "The housing market squeeze pushes renters into bidding wars." NPR. June 2022.

which is beneficial for both rental property owners and tenants. There have also been discussions throughout the rental property owner and legal aid communities regarding the need for education and training programs for both rental property owners and tenants. The education and training programs could be designed to ensure both parties know their rights, obligations, and responsibilities and raise awareness about available community resources when issues arise. Education and training programs for rental property owners, particularly ones related to managing a rental business, can enable owners to earn more profit and minimize a sense of financial precarity that can result in business practices that increase the risk of housing instability for tenants.<sup>28</sup>

It is also important to appreciate, as discussed previously, that clients seeking legal assistance overwhelmingly have complex personal and case characteristics that take time to resolve. Cases without such complications will typically not require longer times to resolve. Thus, rental property owners who are maintaining their properties, using written lease agreements, and applying business practices that emphasize clear communication and assistive services for tenants are less likely to experience eviction processes that require significant time to resolve.

### *Feedback from Cleveland Rental Property Owners in “Collateral Damages” Book*

*Collateral Damages*, authored by Meredith Greif and published in 2022, describes how certain local laws may impact rental property owner business practices and whether laws passed aimed at protecting tenants are successful in doing so. The book examines these dynamics in Cleveland specifically. The qualitative researchers conducted a 3-year study of 60 small- and medium-sized rental property owners in Cleveland who were providing affordable housing to renters with low- and moderate-incomes. During the study, rental property owners shared how they entered the rental housing industry, their business practices and goals, their experiences and decision-making regarding rent collection, eviction, repairing substandard housing conditions, and participating in housing subsidy/voucher programs. Many of the experiences the Cleveland rental property owners shared with the researchers were consistent with feedback Stout has received from rental property owners throughout the country. For example, in *Collateral Damages*:

- Rental property owners described the impact that the length of the eviction process has on them, particularly rental property owners with one to three units. The researchers stated:
  - “The small landlords in this study said that the greater amount of time necessary to remove a tenant through a court eviction hearing increased their sense of financial precarity.”<sup>29</sup>

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<sup>28</sup> Greif, Meredith. “Collateral Damages, Landlords and the Urban Housing Crisis.” The American Sociological Association’s Rose Series in Sociology. 2022.

<sup>29</sup> Ibid.

- “The length of the court eviction process and its associated costs, including court filing fees, motivated landlords to pursue illegitimate means to remove tenants hastily and without cost so as to protect their bottom line.”<sup>30</sup>
- Rental property owners engaged in robust tenant screening practices to minimize their financial risk, and in certain instances, to circumvent other local laws. The researchers stated:
  - “Landlords’ screening practices blocked marginalized tenants’ access to decent, affordable housing. Some screening approaches violated the Fair Housing Act, which bans discrimination on the basis of race, ethnicity, disability, and the presence of children. For instance, landlords turned away applicants with young children because they lacked the capital to satisfy the lead safety laws that apply to households with children under six.”<sup>31</sup>
  - “Landlords shared their ‘tenant blacklists’ with other landlords in their social or professional circles.”<sup>32</sup>
  - “Landlords reported dropping by prospective tenants’ current residences, often unannounced or with little notice, to assess their lifestyle, the cleanliness of their environment, and their children’s behavior. This is but one landlord practice that made tenants’ housing search unpredictable.”<sup>33</sup>
- Mediation for eviction cases can be helpful for the rental property owner and the tenant. The researchers stated:
  - “Despite landlords’ pursuit of financial rewards in the business, factors beyond economic interests can motivate them to make decisions that benefit their tenants, as seen in mediation sessions.”<sup>34</sup>
  - “[The orientation of mediation being focused on procedural justice] could help explain why the vast majority of Housing Court’s mediation cases were settled, with some benefit for the tenant, including an extended move-out date or the dropping of a claim for owed money.”<sup>35</sup>

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<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

- However, the researchers also recognized, “Power differentials between the landlord and the tenant can undermine the extent to which mediation maximizes benefits for tenants. Without sufficient access to legal counsel, tenants may underestimate the likelihood of receiving a verdict in the courtroom that will provide them with benefits beyond those accrued through a mediation settlement.”<sup>36</sup>

Based on their three-year qualitative study of rental property owners in Cleveland, the researchers concluded that **Cleveland has “a system of laws that perpetuates inequality, perhaps unintentionally, because it fails to account for both landlords’ and tenants’ social and economic circumstances.”**<sup>37</sup> [emphasis added] The researchers offer several recommendations they believe would benefit rental property owners and tenants. These recommendations include but are not limited to:

- Ensuring tenants have access to information about their rights and protections
- Investing in programs that mentor and educate rental property owners about operating and managing a rental business effectively
- Enforcing rental housing codes
- Convening forums between rental property owners and local city agencies regulating or interacting with rental property owners to ensure rental property owner perspectives are considered
- **Ensuring tenants with low incomes have a right to free legal advice and legal representation.**<sup>38</sup> [emphasis added]

### ***Positive Client Stories and Case Decisions Demonstrating the Impact of RTC-C***

Throughout 2022, Cleveland Legal Aid collected particularly impactful client stories demonstrating the impact of RTC-C. Below are qualitative examples of how RTC-C is assisting Cleveland residents. Client names were changed to maintain confidentiality.

Struggling to balance her job and care for family members, Amelia fell behind on her rent payments. As the caretaker for her granddaughter and husband recovering from hip replacement surgery, she found it hard to make time to work and support her family. Then, the nursing home employing her cut her hours. Since she was not able to make rent payments, the rental property owner filed an eviction case against her. Amelia and her husband’s dream of buying the home they were renting all but disappeared. At this critical juncture, the Cleveland Housing Court staff referred Amelia to Cleveland Legal Aid and an attorney helped her apply for rental assistance. Amelia paid the rental property owner the rent that was owed and her

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<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

<sup>38</sup> Ibid.



eviction case was dismissed. Amelia is once more hopeful that she and her husband will someday purchase the home they are living in.

Isabella was left to raise her two children on her own when her husband was called for military service. To make matters worse, the bakery where she worked closed during the pandemic. While she was looking for a new job and options for childcare, Isabella fell behind on rent, and the rental property owner served her an eviction notice. Fortunately, she connected with a Cleveland Legal Aid attorney who spoke her native language of Spanish. The attorney worked with her through every step of the application for rent assistance funds from CHN Housing Partners. Ultimately, Isabella was approved for rent assistance, and the rental property owner agreed to accept this payment and drop the eviction. Cleveland Legal Aid was instrumental in preventing Isabella's eviction and achieving her goal of remaining in her home with her two young children.

Seeking a better home for her young daughter, Deja decided to move into a new place for them to live. Deja made her rental payments on time each month, until the onset of the COVID-19 pandemic. She had to change jobs and lost a significant amount of income as she struggled to find childcare for her daughter, who was no longer going to school in-person. Deja fell behind on her rent and received an eviction notice. While she wanted to continue living in her home, it had structural issues. There was a leak under the sink, a ceiling caving in, and a broken kitchen light. Cleveland Legal Aid law student screeners noticed Deja's case in Housing Court and referred her to Cleveland Legal Aid. Deja began working with a Cleveland Legal Aid attorney who helped her secure rental assistance. The attorney then negotiated with the rental property owner so that they would accept the financial aid payment and also fix Deja's poor housing conditions.

Clifford is a hard-working, single father of two young children who fell on hard times during the pandemic. Clifford lost his job and became unable to meet his rent payments. Then, the heat went out in their house, resulting in a burst pipe and major water damage. This presented a disruption to his children, as his six-year-old daughter does her schooling online and his three-year-old has disabilities. After learning about Legal Aid's free legal help for people facing evictions, Clifford was eager to remedy his family's distressing circumstances. He connected with a Cleveland Legal Aid attorney who helped him secure an inspector to document the poor housing conditions that were affecting his family's livelihood. Taking this step motivated the rental property owner to make the requisite housing repairs. In addition, Clifford's attorney helped him obtain rental assistance. With the financial help, Clifford paid the rental property owner and the eviction case against him was dismissed.

When she received an eviction notice, Lily – a mother of seven children – was filled with fear. There was no way she could allow her children to be without a home. After the pandemic hit,



Lily took a leave of absence to be home with her kids for their remote schooling. Lily's boyfriend, Jon, also lost his job and the two felt like they had no place to turn for help. However, Lily then learned about Cleveland Legal Aid and was connected to an attorney who accompanied her at court dates and through the rental assistance application process. In time, her attorney and the rental property owner reached an agreement to dismiss the eviction case.

Despite their efforts to support their family, Fernando and Maria lost their jobs and were unemployed for a month after he contracted the coronavirus. Due to their increasingly uncertain financial situation, Fernando and Maria found themselves unable to pay rent. They took immediate steps seeking to resolve their difficult circumstances. Fernando secured a job and he and Maria applied for rental assistance. However, their application was denied, and they were told that there were no funds available. Consequently, Fernando and Maria fell behind on their rent payments. They tried to pay the property management company partial payments, but the company would only accept the full balance. Maria and Fernando's hardship was compounded after the rental property owner filed an eviction case against them. When Fernando went to court, he learned about Cleveland Legal Aid. He and Maria then connected with a Cleveland Legal Aid attorney who helped them refile a rental assistance application. Their attorney made sure they properly submitted a statement of hardship, which proved their inability to pay rent. As a result of their diligence, Fernando, Maria, and their Legal Aid lawyer successfully obtained rental assistance. Their eviction case was dismissed, and Fernando and Maria are now able to pay their rent on time.

Brian is a hardworking, dedicated dad who fell behind on rent during a period when he was in between jobs. When the rental property owner filed for eviction, Brian was determined to do anything he could to maintain a safe, reliable home for his teenage daughter. After seeing Cleveland Legal Aid's contact information listed in his court papers, he called and was connected with an attorney. Brian's attorney helped him apply for and get rental assistance. His lawyer then persuaded the rental property owner to accept these funds and drop the eviction case. Today, Brian has stable work as a bartender at a local Cleveland tourist destination.

Tamara, a mother of two, contacted Cleveland Legal Aid when her eviction hearing was only days away. She had recently suffered a back injury from a car accident, one that sidelined her from work, curtailed her income, and impeded her ability to pay rent. Notwithstanding the short notice, a Cleveland Legal Aid attorney intervened and was able to get Tamara's case continued. The attorney and Tamara met virtually on Zoom where they filled out a rent assistance application together. Tamara's application was approved, and she received enough funds to pay the rental property owner the back rent she owed, as well as three additional months of financial assistance that would help her pay future rent. Because of Cleveland Legal Aid's timely representation, Tamara's children could stay at their school with their friends and Tamara could continue living next to neighbors she enjoyed.

In addition to personal impacts on clients, RTC-C is impacting Cleveland's eviction ecosystem. Below are examples of RTC-C cases cited in the 6<sup>th</sup> Edition of Ohio Eviction Landlord Tenant Law.

**Four** cases resulted in dismissal of plaintiff's complaint:

***Beavers v. Patawaran***, 2020-CVG-9066.

Eviction dismissed because Plaintiff failed to serve a CARES Act notice.

***Merriweather v. Wilcox***, 2021-CVG-11765.

Court grants Defendant's Motion to Dismiss for Failure to State a Claim on the first cause, when grounds in 3 day notice (nonpayment of rent) do not match grounds alleged in complaint (violations of R.C. 5321.05).

***McKoy v. Bell***, 2021-CVG-8782.

After trial, Court grants Defendant's Motion to Dismiss for Failure to State a Claim on the first cause, when grounds in 3-day notice ("behind in rent") do not match grounds alleged in complaint ("nonpayment of rent, termination of month to month tenancy, expiration of lease, and violation of tenant duties under R.C. 5321.05"). Court notes that plaintiff could not have prevailed on nonpayment grounds even if named in 3-day notice, b/c plaintiff created nonpayment by failing to attempt to collect the rent. Also, 3-day notice cannot be served until expiration of 30 day notice.

***Furr v. Patterson***, 2021 CVG 4661.

Court, sua sponte, dismisses first cause of action at case mgmt. conference because 3 day notice identified property manager but not owner/plaintiff (*DeCarlo*) and because complaint named owner and property manager as co-plaintiffs and was signed by both; but property manager is not an attorney and so was engaging in UPL.

**Two** cases resulted in judgment for defendant on the first cause of action:

***Husein v. Payne***, 2020-CVG-5042.

Judgment for Defendant on first cause of action because Plaintiff established a pattern of late acceptance of rent, causing service of the 3 day notice to be premature. In dicta, the Court addressed an ambiguous lease term regarding payment of the water bill.

***Vesta v. Harris***, 2021-CVG-4702.

Judgment for Defendant on first cause of action because Defendant/Tenant is not liable for negligence of guest. Lease provision making tenant liable for any damage to the premises caused by the negligence of other parties (e.g., guests), without any determination of tenant negligence conflicts with R.C. 5321.05(A)(6) and, therefore, is unenforceable under R.C. 5321.06.

**One** case affirmed the availability of injunctive relief in an eviction case, where the landlord has breached R.C. 5321.04 duty (failure to provide heat):

*Medi v. Mitchell*, 20-CVG-9437.

Court grants Defendant's Motion to Restore Heat affirming availability of injunctive relief for landlord's breach of R.C. 5321.04 duty.

And **one** was a small claims case, in which the tenant recovered damages for an illegal lock out.

*Sanchez v. Tompkins*, 2022-CVI-6506. Small claims.

Tenant/Plaintiff recovered damages from Defendant/Landlord after illegal lock out. Plaintiff recovered damages under R.C. 5321.15 (refund of rent paid for period without access) and under conversion (\$3214.65 for personal property). Plaintiff entitled to reasonable attorney fees.

## Section IV-Preliminary Estimate of Fiscal Impacts

The impacts and costs of eviction to states, cities, counties, and municipalities are significant and multi-dimensional. Substantial reporting has documented the negative impact that evictions have on individuals, families, businesses, and communities. While many of these impacts are not yet quantifiable, clear fiscal costs or economic impacts of disruptive displacement do exist. This section details preliminary estimates of fiscal impact that RTC-C is having on publicly funded systems in Cleveland or Cuyahoga County. These preliminary estimates of fiscal impacts provide insight into how representation in eviction cases could mitigate these costs or assist in redirecting the funds to other efforts undertaken by Cleveland or Cuyahoga County.

Additionally, it is important to consider the economic impacts to key stakeholders in the eviction process, including rental property owners. Rental property owners throughout the country with whom Stout has engaged have explained the potential economic impacts and costs that they experience when filing evictions, which many use as a measure of last resort. The economic impacts and costs they communicate include but are not limited to attorney fees, filing fees, and other court costs; the time and costs associated with tenant screening and due diligence; costs of repair and maintenance to units needing to be re-rented; and the economic impact of tenants not paying rent as their eviction is being litigated.

As detailed on pages 48-50, it is important to appreciate that RTC-C, like other eviction Right to Counsel Programs Stout has evaluated, is often assisting tenants with substantive legal issues, challenging personal circumstances, serious consequences that could arise from disruptive displacement (such as unsheltered homelessness), and a variety of complex disputes with the rental property owner. RTC-C, like other Right to Counsel Programs Stout has evaluated, rarely see clients that do not have these issues and complications with their cases and circumstances, representing a subset of all instances of delinquency and eviction filings (a subset of typically the most serious and severe cases). This is important context when considering potential fiscal impacts as well as the potential impacts of an eviction right to counsel for other stakeholders, including rental property owners, courts, and social service providers.

Stout relied on client interview data from Cleveland Legal Aid to develop these estimates. Client circumstances and case characteristics often vary. Because of this variation, not all interview questions are applicable to all RTC-C clients and therefore are not asked to all clients. While the goal is to ask all RTC-C clients all questions applicable to their circumstance and case, Cleveland Legal Aid staff exercise discretion during the interview process. There may be interview questions not asked based on a client's lived experiences, comfort level with certain topics, and/or having to recount traumatic experiences. A primary data element for Stout's preliminary fiscal impact calculations is the how RTC-C clients answered the interview question, "Where would you go if you were forced to move?" Answers to this question inform the degree to which clients would need assistance from publicly funded social safety net systems in Cleveland or Cuyahoga County and the likelihood of other fiscal impacts (e.g.,

economic value lost due to out-migration). Stout’s calculations of fiscal impacts rely on client responses to the interview question, “Where would you go if you were forced to move?” and use responses where clients have affirmatively indicated to their attorney, that if they were forced to move, they would need to enter emergency shelter. For this population, Stout assumes that without the assistance of their attorney, it is unlikely they that they would avoid disruptive displacement. RTC-C clients are seeking assistance from Cleveland Legal Aid because they recognize their circumstances require a skilled attorney, and without that attorney, they are likely to experience significant disruption to their lives.

Stout used the percentage of RTC-C clients for which Cleveland Legal Aid achieved their goals (for the three most frequently cited goals) as the basis for the percentage of RTC-C clients who likely avoided disruptive displacement through RTC-C. Using this data, Stout estimated Cleveland Legal Aid assisted in avoiding disruptive displacement for between 79% and 94% of RTC-C clients since implementation in July 2020. Stout uses the phrase “disruptive displacement” to capture outcomes of cases beyond “winning” and “losing.” For example, there may be circumstances where tenants did not have a formal eviction order issued against them and therefore were not displaced but have still experienced disruption in their lives because of the eviction filing, such as entering a negotiated settlement with unrealistic payment terms resulting in additional financial strain. Additionally, there may be circumstances where a tenant loses possession of their home but was granted an extra 30 days to vacate. In this situation, disruptive displacement may have been avoided because of the additional time to find alternative, suitable housing.

The detailed quantifications of the estimated fiscal impacts of RTC-C throughout this section are for the time period from July 1, 2020 through December 31, 2022 (i.e., since the launch of RTC-C). The potential fiscal impacts in any single year will depend on the number of individuals in RTC-C client households, the number of RTC-C cases closed by Cleveland Legal Aid, and the percentage and types of client goals achieved by Cleveland Legal Aid. Furthermore, the fiscal impacts throughout this section apply only to RTC-C cases. RTC-C clients are significantly more likely to experience the type of disruptive displacement that increases the likelihood of needing a social services response. Stout does not assume all RTC-C clients would require a social services response if they were not represented through RTC-C. Rather, Stout expects – based on its research and work with legal aid organizations and community-based organizations throughout the country – without legal representation there is a greater risk of disruptive displacement for RTC-C clients.

### *Overall Out-Migration and Population Loss*

Research has shown that evictions can contribute to out-migration and population loss.<sup>39</sup> Approximately 112 (6%) of RTC-C clients indicated that if their household had to move, they would move in with friends or family who lived outside of Cleveland or Cuyahoga County. The average household size of RTC-C clients was four people, resulting in 448 people who would have likely moved out of Cleveland or Cuyahoga County but for RTC-C (from July 1, 2020 to December 31, 2022). Cleveland Legal Aid avoided disruptive displacement for between 79% and 94% of RTC-C clients. If these RTC-C client households would have migrated out of Cleveland or Cuyahoga County, Cleveland or Cuyahoga County would have likely lost an estimated \$12,000 in economic value per person.<sup>40</sup> Because RTC-C likely kept between 354 and 421 Cleveland or Cuyahoga County residents from moving outside of the jurisdiction, Cleveland or Cuyahoga County may have retained economic value of between \$4.3 million and \$5.1 million from July 1, 2020 through December 31, 2022.

### *Homelessness/Housing Social Safety Nets*

While homelessness may not always be experienced immediately following an eviction, eviction remains a leading cause of homelessness. Based on data collected during the interview process, approximately 318 (16%) of RTC-C clients who completed the interview process indicated that if they had to move, they would move to emergency shelter.<sup>41</sup> The estimated annual cost to provide a housing social safety net response for these client households would have been approximately \$11,700 per household per year if the Cleveland Legal Aid was unable to avoid disruptive displacement for these clients.<sup>42</sup> Cleveland Legal Aid avoided disruptive displacement for between 79% and 94% of RTC-C clients from July 1, 2020 through December 31, 2022, which likely resulted in housing social safety net response costs avoided of \$2.9 million to \$3.5 million in Cleveland or Cuyahoga County. As previously discussed, the estimates of fiscal impacts are not applied to the 79% to 94% of RTC-C clients Cleveland Legal Aid assisted in avoiding disruptive displacement but instead the subset of RTC-C clients who indicated they would expect to enter emergency shelter (i.e., need a social services response).

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<sup>39</sup> Mah, Julie. "Gentrification-Induced Displacement in Detroit, Michigan: An Analysis of Evictions." Routledge. July 21, 2020

<sup>40</sup> Estimated by Stout using data from: (1) Aguilar, Louis. "Detroit population continues to decline, according to Census estimate." Bridge Michigan. May 2020. (2) "State and Local Expenditures." Urban Institute. 2018. Referencing State & Local Government Finance Data Query System and Data from U.S. Census Bureau, Annual Survey of State and Local Government Finances, Volume 4. 2020. (3) Present value of investments that cities and states have been willing to make to attract new residents.

<sup>41</sup> The estimated 16% is based on Stout's extrapolation methodology to distribute answers of "nowhere to go" among other categories.

<sup>42</sup> Based on data provided by Cuyahoga County Office of Homeless Services.

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### *Lost Federal Funding for Public Schools Due to Out-Migration*

During the 2020-2021 school year, there were 1,724 students experiencing homelessness enrolled in CMSD.<sup>43</sup> Housing instability not only impacts several facets of students' education like test scores, level of educational attainment, and likelihood of graduating, but also the school system as a whole. CMSD is allocated funding based on the number of students enrolled. When students leave CMSD (and Cleveland), funding is lost.

Approximately 6% of RTC-C clients indicated that if they had to move, they would move in with friends or family who lived outside of Cleveland or Cuyahoga County. RTC-C client households have an average of two children and between 79% and 94% avoided disruptive displacement from July 1, 2020 to December 31, 2022 because of Cleveland Legal Aid's representation. Stout estimates that between 177 and 211 children would have migrated out of Cleveland or Cuyahoga County to live with friends or family but for representation through RTC-C.

CMSD receives approximately \$2,500 in federal funding per student enrolled and approximately \$11,200 in state funding per student enrolled for a total of approximately \$13,700 in federal and state funding per student enrolled.<sup>44</sup> The estimated 177 to 211 children who would have likely migrated out of Cleveland or Cuyahoga County (and CMSD) to live with friends and family because of disruptive displacement would have resulted in \$2.4 million to \$2.9 million of lost federal and state funding for CMSD.

### *Foster Care Cost Savings for Children Experiencing Homelessness*

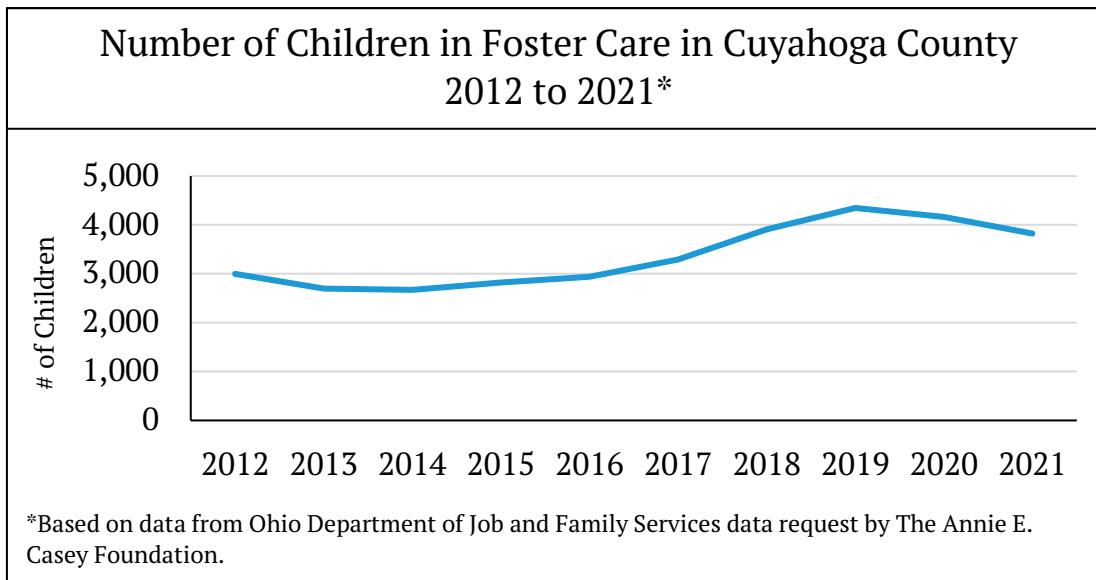
According to data from the Ohio Department of Job and Family Services, there were approximately 3,800 children in Cuyahoga County in foster care in 2021. Figure 65 shows the annual number of children in foster care in Cuyahoga County from 2012-2021.

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<sup>43</sup> <https://eddataexpress.ed.gov/dashboard/homeless/2020-2021?sy=2781&s=808>.

<sup>44</sup> Calculated using U.S. Census Fiscal Year 2018 Annual Survey of School System Finances.





**Figure 65**

Data collected during the interview process indicated that there were 4,358 children living in RTC-C client households from July 1, 2020 to December 31, 2022. Cleveland Legal Aid avoided disruptive displacement for between 79% and 94% of RTC-C clients during the same period. An estimated 4% of children from evicted families are placed in foster care and generally remain there for at least one year.<sup>45</sup> Stout estimated that Cleveland or Cuyahoga County spends approximately \$62,000 annually per child in foster care.<sup>46</sup> Approximately 20% of out-of-home foster care costs in Ohio are funded locally.<sup>47</sup> Through Cleveland Legal Aid’s representation of RTC-C clients, Cleveland or Cuyahoga County likely avoided between \$1.7 million and \$2 million in costs related to out-of-home foster care from July 1, 2020 to December 31, 2022.

### *Medicaid-funded Health Care Cost Savings*

A significant body of research has documented the connection between health and housing, and recent research has examined the connection between eviction filing rates and mortality rates.<sup>48</sup> People experiencing homelessness, including those experiencing homelessness because of eviction or disruptive displacement, often utilize in-patient and emergency room care more frequently than people who are stably housed. Stout found in its independent evaluation of

<sup>45</sup> Berg, Lisa and Brannstrom, Lars. "Evicted children and subsequent placement in out-of-home care: a cohort study." Public Library of Science. April 18. 2018.

<sup>46</sup> Based on data shared with Stout by the Cuyahoga County Division of Children and Family Services.

<sup>47</sup> "Child Welfare Agency Spending in Ohio." Child Trends. 2018.

<sup>48</sup> Rao, Shreya et al. "Association of US County-Level Eviction Rates and All-Cause Mortality." National Library of Medicine. November 2022. The researchers analyzed 2016 eviction data for nearly 700 counties and found that eviction rates were significantly associated with all-cause mortality with the strongest associations observed in counties with the highest proportion of Black and female residents. All-cause mortality increased by approximately 9 deaths per 100,000 residents for every 1% increase in eviction rates.

Cook County’s (Chicago) Early Resolution Program, approximately 41% of clients facing eviction indicated that if they were not able to effectively resolve their case, they would likely experience increased stress and health concerns.<sup>49</sup>

From July 1, 2020 through December 31, 2022, Cleveland Legal Aid served 7,038 unique individuals, of which the Programs avoided disruptive displacement for between 79% and 94%. Approximately 34% of clients indicated that if they had to move, they would likely experience homelessness in some form.<sup>50</sup> Using utilization rates of in-patient and emergency room care for people experiencing homelessness, average cost data, Medicaid enrollment, and the estimated portion of Medicaid funded by Cleveland or Cuyahoga County, Stout estimates that Cleveland or Cuyahoga saved between \$400,000 and \$500,000 in additional Medicaid costs from July 1, 2020 through December 31, 2022 as a result of RTC-C.

### *Estimated Total Preliminary Fiscal Impacts*

Stout estimated that Cleveland or Cuyahoga County realized economic benefits of between \$11.8 million and \$14 million between July 1, 2020 and December 31, 2022 as a result of RTC-C. Over the same period, the total investment in RTC-C was \$4.5 million, resulting in an estimated return on investment between \$2.62 and \$3.11.<sup>51</sup> The estimated benefits were related to:

- Economic value preserved by retaining residency in Cleveland or Cuyahoga County - \$4.3 million to \$5.1 million
- Cost savings related to housing social safety net responses - \$2.9 million to \$3.5 million
- Sustained education funding for children in CMSD schools - \$2.4 million to \$2.9 million
- Out-of-home foster care placements - \$1.7 million to \$2 million
- Cost savings related to Medicaid spending on health care - \$400,000 to \$500,000.

Stout’s preliminary estimate of fiscal impact is likely significantly understated. Included in the calculation are benefits of RTC-C that can be quantified based on currently available data. However, Cleveland or Cuyahoga County (as well as Ohio) would likely realize additional benefits that are not currently quantifiable based on available data. These benefits that are not currently quantifiable include but are not limited to:

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<sup>49</sup> “Evaluation of the Cook County Early Resolution Program.” Stout. December 1, 2022.

<sup>50</sup> The 34% includes RTC-C clients who indicated that they would need to enter emergency shelter, live in a hotel or motel, or live unsheltered and on the street and was calculated using a methodology to allocate pro rata the “nowhere to go” responses.

<sup>51</sup> The City of Cleveland provided \$500,000 in funding for RTC-C.

- The education costs, juvenile justice costs, and child welfare costs associated with children experiencing homelessness
- The effects of stabilized employment and income and the economic and tax benefits to the state associated with consumer spending
- The negative impact of eviction on tenants' credit score, ability to re-rent, and the potential loss of a subsidized housing voucher
- The cost of providing public benefits when jobs are lost due to eviction or the eviction process
- The cost of mental health care
- Certain additional costs associated with homelessness, such as additional law enforcement and incarceration costs
- The cost of family, community, and neighborhood instability
- Preservation of financial and personal assets
- A reduction, over time, of the number of eviction cases filed resulting in improved use of Cleveland Municipal Court resources.

Appendix A is a compilation of publicly available research demonstrating the breadth of fiscal impacts arising from housing instability and eviction.

## Section V-Recommendations

*Progress on Stout’s 2021 Independent Evaluation Recommendations*

Stout’s 2021 independent evaluation of RTC-C included eight recommendations for continuing to demonstrate the impact of RTC-C and to deepen and refine analyses related to Cleveland’s eviction ecosystem. The table below details Cleveland Legal Aid’s progress toward implementing last year’s recommendations.

Stout’s Recommendation	Status as of December 31, 2022	Explanation
Convert Cleveland Legal Aid’s case closing memo data to structured data fields that would better contextualize case outcomes achieved and not achieved.	Complete/ongoing	Cleveland Legal Aid created more than 20 new data fields to structure data that was previously recorded in text fields. Cleveland Legal Aid is continuing to identify new opportunities to collect data that demonstrates the impact of RTC-C.
Collaborate with United Way and other community organizers or stakeholders to collect information through canvassing about Cleveland tenants facing eviction.	Complete/ongoing	Cleveland Legal Aid worked closely with United Way and canvassers from the Northeast Ohio Coalition for the Homeless (NEOCH) to develop a door-to-door canvassing questionnaire and continues to collaborate with NEOCH canvassers when they encounter a tenant who may be eligible for RTC-C.
Refine data collection and qualitative feedback to assess the impact of RTC-C, including the intersection of RTC-C and the objectives of the Lead Hazard Control Program and Say Yes Cleveland.	Complete/ongoing	Cleveland Legal Aid added data elements to their monthly data export that enabled Stout to understand better the frequency with which RTC-C client households had children attending Say Yes schools and with which RTC-C client households may meet the requirements of the Lead Hazard Control Program.
Ensure RTC-C client interview information is complete whenever possible, and cases are promptly closed.	Progress Made/Improvement Needed	Cleveland Legal Aid made progress toward ensuring client interview information was complete and cases were promptly closed. Cleveland Legal Aid continues to close a significant number of RTC-C cases in the last 2-3

		weeks of the year, which can skew key metrics that are being monitored throughout the year.
Support the development of a Tenant Advisory Council and a Landlord Advisory Council to gather feedback about and refine RTC-C.	Progress Made/Improvement Needed	Stout understands that United Way is collaborating with NEOCH to incorporate RTC-C themes in their current tenant-led council. Cleveland Legal Aid has received informal feedback from opposing counsel/rental property owners after a case, but there is not a formal body or mechanism for collecting periodic feedback from opposing counsel/rental property owners.
Develop a complementary communication and outreach strategy centered on local trusted messengers and a methodology to estimate the impact of the strategy.	Progress Made/Improvement Needed	Cleveland Legal Aid has relationships with stakeholders regularly interacting with Cleveland residents who may be experiencing housing instability. Cleveland Legal Aid should develop an intentional, specific outreach strategy centered on leveraging these relationships. When implemented, the outreach strategy should enable a pervasive sense of awareness of RTC-C within the targeted geographic area. An important component of the strategy is creating a methodology for estimating the impact of the outreach, which could include leveraging the maps and metrics in Stout's data visualization platform.
Collect and analyze data from client follow-up texting efforts.	Limited Progress/Not Yet Achieved	Cleveland Legal Aid encountered challenges with the vendor it was considering contracting for the follow-up survey. Stout understands Cleveland Legal Aid is evaluating alternative options.

<p>Understand efforts that rental property owners are undertaking to work with tenants prior to filing an eviction and how these efforts may differ based on rental property owner typology (e.g., large corporate owners v. owners of 1-3 units).</p>	<p>Limited Progress/Not Yet Achieved</p>	<p>Cleveland Legal Aid should endeavor to understand ways rental property owners are trying to work with tenants prior to eviction filings to assess opportunities for programs/processes complementary to RTC-C. Pre- and post-filing diversion or mediation programs can create opportunities to resolve cases earlier in the process and reserve the adversarial litigation process for cases where there are material disputes of fact and substantive legal issues.</p>
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Stout commends Cleveland Legal Aid’s commitment to making progress toward fully implementing its 2021 independent evaluation recommendations.

***Additional Recommendations for a Sustainable Eviction RTC-C***

Stout’s evaluations of RTC-C have detailed the personal and systemic impacts of representing tenants with low incomes in eviction proceedings in Cleveland. Based on Stout’s analysis of the data described herein, its discussions with stakeholders in Cleveland and its ongoing work around the country on similar matters, we believe Cleveland Legal Aid, the United Way, and other eviction ecosystem stakeholders in Cleveland should consider the following recommendations to ensure the sustainability of RTC-C.

1. **Continue to be a national leader in how to effectively implement an eviction right to counsel program.** Cleveland was the fourth jurisdiction in the country and the first jurisdiction in the Midwest to pass eviction right to counsel legislation. Many jurisdictions look to Cleveland (and United Way and Cleveland Legal Aid) to learn from its experience and expertise implementing RTC-C. Cleveland Legal Aid’s continuous effort to connect and share best practices with other jurisdictions is commendable. To Stout’s knowledge, Cleveland Legal Aid has the most expansive data collection of all eviction right to counsel jurisdictions and has served as a model for data-driven evaluation.
2. **Explore the feasibility of expanding RTC-C.** While Cleveland was one of the first jurisdictions to pass and implement an eviction right to counsel, RTC-C has the most restrictive eligibility requirements of any eviction right to counsel jurisdiction in the U.S. Single adults and other sub-populations of Cleveland residents (e.g., seniors, people with disabilities, veterans, adult(s) with adult children in the

households, households with children and incomes greater than 100% of the FPL) do not have a right to counsel in eviction proceedings in Cleveland.

3. **Further analyze the time required to provide representation to RTC-C clients.** Robust analyses of Cleveland Legal Aid time entry data can inform expansion of RTC-C and ensure implementation and expansion of RTC-C is undertaken in a cost-effective and sustainable manner. Since emergency rental assistance has ended and a significant portion of RTC-C clients are experiencing at least one complex case criteria, it is possible that RTC-C cases take longer to litigate, and Cleveland Legal Aid staffing models should be flexible enough to account for this change without significant disruption to the organization. Cleveland Legal Aid could also further explore various staffing ratios and the role and responsibility of staff supporting attorneys (e.g., paralegals, intake specialists, case managers, administrative personnel).
4. **Create a working group to explore the feasibility of shallow, flexible rent assistance for rental property owners and tenants in Cleveland.** Stout learned the impact that emergency rental assistance can have on housing stability for both renters with eviction notices and/or eviction filings and those who may be at risk of missing a rent payment. Sustained rent assistance, even in small amounts, can be beneficial for rental property owners and tenants and can assist in avoiding the disruptive displacement that can arise from the eviction process.
5. **Collaborate with rental property owners and the courts to develop outreach materials and strategies to share information about RTC-C at the notice stage.** The earlier in the process tenants facing eviction can be connected with resources, particularly legal representation at the notice stage, the more likely it is that an eviction filing and disruptive displacement can be avoided.
6. **Expand door-to-door canvassing and implement an outreach strategy centered on local trusted messengers.** Cleveland Legal Aid and United Way should collaborate with other stakeholders to create the outreach strategy so the range of services available to Cleveland residents is effectively communicated and pervasive sense of awareness can be sustained.
7. **Partner with rental property owners, community organizations, and local government agencies** to create programs designed to educate rental property owners, property managers, and tenants regarding their rights, obligations, and best practices for preventing delinquencies and eviction filings, and for navigating the eviction process, when necessary.
8. **Continue detailed data collection,** periodic reviews of data elements for refinements, and using a dynamic data visualization platform to assess the impact



of RTC-C and identify opportunities for iterative refinement. Cleveland Legal Aid should expand data collection and analysis to understand better the intersection between RTC-C clients, Say Yes, and the Lead Hazard Control Program. There may also be an opportunity to collaborate with the Continuum of Care to analyze Homeless Management Information System (HMIS) data to understand better the intersection between eviction and entry into the shelter system.

9. **Collect and analyze data from client follow-up texting efforts.** Data from the follow-up texting (or other post-closure survey mechanisms) can provide insights as to what clients experience after legal representation through RTC-C and may assist in understanding medium- to long-term impacts of RTC-C and ongoing challenges former clients may face.
10. **Collaborate with the courts to evaluate Cleveland’s mediation program and create best practices for identifying cases well-suited for mediation.** There may also be opportunities to explore expanding the mediation program to the pre-filing setting, which can be helpful in avoiding eviction filings for tenants and achieving efficient results for rental property owners when there are not substantive legal issues in the case.

# Appendix A-Fiscal Impacts Research

### *Eviction is a Leading Cause of Homelessness*

While homelessness may not always be experienced immediately following an eviction, eviction remains a leading cause of homelessness. In Cleveland, an eviction right to counsel jurisdiction, eviction right to counsel clients are represented by Cleveland Legal Aid. During Cleveland Legal Aid’s intake interview, clients are asked where their household would stay if they were evicted. Stout analyzed responses to this question as an element of its 2021 independent evaluation of Cleveland’s eviction right to counsel and found that approximately 5% of clients indicated they would need to enter emergency shelter if they were evicted.<sup>52</sup> Approximately 23% of clients indicated they would need to “double up” with friends/family, approximately 6% indicated they would live unsheltered, and approximately 60% indicated they did not know where they would go, suggesting they do not have a plan for where they would find alternative housing and may experience sheltered or unsheltered homelessness.

A 2011 study of people experiencing homelessness in Harris and Fort Bend counties (Houston area), Texas found that approximately 30% of people experiencing homelessness identified eviction (either by a family member or a rental property owner) as a cause for their homelessness.<sup>53</sup>

The Massachusetts Interagency Council on Housing and Homelessness analyzed a variety of reports generated by the state’s shelter system to determine that 45% of people experiencing homelessness or who are at risk of experiencing homelessness cite eviction as the reason for their housing instability.<sup>54</sup>

Similar statistics were observed in Hawaii where 56% of families experiencing homelessness cite inability to afford rent as the reason for their experiencing homelessness.<sup>55</sup> An additional 18% of families cited eviction specifically, as the reason for their experiencing homelessness.<sup>56</sup>

In Seattle, a survey of tenants who were evicted revealed that nearly 38% were living unsheltered and half were living in a shelter, transitional housing, or with family and friends.<sup>57</sup> Only 12.5% of evicted respondents secured another apartment to move into.<sup>58</sup>

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<sup>52</sup> “Cleveland Eviction Right to Counsel Annual Independent Evaluation.” Stout Risius Ross. January 31, 2022.

<sup>53</sup> “Capacity and Gaps in the Homeless Residential and Service System, Harris and Fort Bend Counties.” Coalition for the Homeless Houston/Harris County. 2011.

<sup>54</sup> “Regional Networks to End Homelessness Pilot Final Evaluation Report.” Massachusetts Interagency Council on Housing and Homelessness. February 15, 2011.

<sup>55</sup> “Homeless Service Utilization Report.” Center on Family at the University of Hawaii and the Homeless Programs Office of the Hawaii State Department of Human Services. 2010.

<sup>56</sup> Ibid.

<sup>57</sup> “Losing Home: The Human Cost of Eviction in Seattle.” The Seattle Women’s Commission and the Housing Justice Project of the King County Bar Association. September 2018.

<sup>58</sup> Ibid.

Researchers at the University of Delaware matched data from the statewide homelessness services network to eviction filings in Delaware and found that 21% of people experiencing homelessness in their study group received an eviction filing in the previous two years.<sup>59</sup>

A 2018 study of homelessness in Los Angeles County, citing surveys conducted as part of recent homeless counts, stated that 40% of unsheltered adults cited unemployment and lack of money, which encompassed inability to pay for shelter, as the reason for experiencing homelessness.<sup>60</sup> These factors (unemployment and lack of money) were identified more than twice as often any other factor, and eviction or foreclosure was specifically identified as the primary reason for homelessness by 11% of unsheltered adults.<sup>61</sup>

A 2014 San Francisco study of an eviction defense pilot program, citing a recent survey of families experiencing homelessness, revealed that 11% of families in San Francisco homeless shelters identified evictions (legal and illegal) as a cause of their homelessness.<sup>62</sup> The Housing and Homeless Division Family and Prevention Services Program Manager in San Francisco has stated that the number of families experiencing homelessness as a result of an eviction is potentially over 50%— much higher than 11% — when considering the intermediate living arrangements made with friends and family before the families who have been evicted access the shelter system.<sup>63</sup> The 50% estimate is supported by the survey of families experiencing homelessness, in which 45% of respondents indicated that the cause of their homelessness was being asked to move out.<sup>64</sup> Furthermore, a 2013 demographics report of adult shelters in San Francisco found that 36% of its population was living with friends or relatives before experiencing homelessness.<sup>65</sup>

A 2018 study of shelter use in New York City indicated that evictions: (1) increase the probability of applying for shelter by 14 percentage points compared to a baseline probability of approximately 3% for households not experiencing an eviction; and (2) increase the number of days spent in shelter during the two years after an eviction filing by 5 percentage points, or about 36 days.<sup>66</sup> The researchers concluded that because the estimated effects of eviction persist long-term, avoiding eviction does not simply delay a period of homelessness, it leads to lasting

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<sup>59</sup> Metraux, Stephen PhD et al. “Prior Evictions Among People Experiencing Homelessness in Delaware.” Delaware Academy of Medicine/Delaware Public Health Association. August 2022.

<sup>60</sup> Flaming, Daniel et al. “Escape Routes: Meta-Analysis of Homelessness in L.A.” Economic Roundtable. April 2018.

<sup>61</sup> Ibid.

<sup>62</sup> San Francisco Right to Civil Counsel Pilot Program Documentation Report. John and Terry Levin Center for Public Service and Public Interest, Stanford Law School. May 2014.

<sup>63</sup> Ibid.

<sup>64</sup> Ibid.

<sup>65</sup> Ibid, citing 2013 Demographics Report – San Francisco Single Adult Shelters.

<sup>66</sup> Collinson, Robert and Reed, Davin. “The Effects of Evictions on Low-Income Households.” New York University Law. December 2018.

differences in the probability of experiencing homelessness.<sup>67</sup> The New York City Department of Homeless Services found that eviction was the most common reason for families entering city shelters between 2002 and 2012.<sup>68</sup>

Based on a control group analysis, a 2013 evaluation of the Homebase Community Prevention Program (the Abt Study) in New York City found that 18.2% of families with children who were at risk of homelessness applied for shelter, and 14.5% entered family shelter.<sup>69</sup> These metrics compare to Homebase case managers' expectations at program enrollment, which were that 25% of families with children who were at risk of homelessness would "definitely" enter shelter and for an additional 25% shelter entry was "very likely."<sup>70</sup> The Abt Study was an evaluation of the Homebase Community Prevention Program which included an analysis of households' use of homeless shelters and services. The Homebase program is a network of neighborhood-based homelessness prevention centers located in New York City. Homebase was designed to prevent homelessness and to prevent repeated stays in shelter. One of the research questions to be answered by the evaluation was: does Homebase affect the rate of shelter use (nights in shelter)? The evaluation population, as agreed upon with the New York City Department of Homeless Services, was 295 families with at least one child – 150 in the treatment group, and 145 in the control group. The evaluation indicated that over the evaluation period of 27 months (September 2010 to December 2012) a statistically significant difference the likelihood of spending at least one night in shelter between the treatment and control groups – 14.5% compared to 8%. Evaluators had access to individual-level administrative data from certain systems operated by three New York City social services agencies (the Department of Homeless Services, the Administration for Children's Services, and the Human Resources Administration) and the New York State Department of Labor. This individual-level data was matched with Homebase data based on social security number, name, date of birth, and gender. The evaluators did not have access to data about single adults, adult families, and shelters outside of New York City. Evaluators used the individual-level data and a linear probability model to assess the likelihood of shelter entry. The evaluators indicated that limitations of the Study included only analyzing data from shelters operated by the Department of Homeless Services, the impact of "one shot" assistance among the studied population and limiting the study population to families with at least one child and pregnant women.

Robin Hood, a New York City-based non-profit organization that provides funding to, and evaluation metrics for more than 200 programs in New York City, estimates without any intervention, approximately 25% of those at risk of experiencing homelessness would enter

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<sup>67</sup> Ibid.

<sup>68</sup> "The Rising Number of Homeless Families in NYC, 2002-2012: A Look at Why Families Were Granted Shelter, the Housing They Had Lived in and Where They Came From." New York City Independent Budget Office. 2014.

<sup>69</sup> Rolston, Howard et al. "Evaluation of the Homebase Community Prevention Program." Abt Associates. June 2013.

<sup>70</sup> Ibid.

shelter.<sup>71</sup> Robin Hood’s estimate, like the Abt Study case managers’, is based on the experiences and expectations of staff working with low-income families experiencing housing instability.

Researchers studying the typology of family homelessness (the Culhane Study) found that approximately 80% of families experiencing homelessness stay in emergency shelter for brief periods, exit the shelter, and do not return.<sup>72</sup> The remaining 20% of families experiencing homelessness stay for long periods, and a small but noteworthy portion of families experiencing homelessness cycle in and out of shelter repeatedly.<sup>73</sup> Families cycling in and out of shelter have the highest rates of intensive behavioral health treatment, placement of children in foster care, disability, and unemployment.<sup>74</sup> The differences between families that have short shelter stays compared to families with longer shelter stays were identified as: family composition (e.g., larger, older, Black); predicament (e.g., experiencing domestic violence, pregnancy/newborn status); and resources at exit (e.g., housing subsidy).<sup>75</sup>

Data from California’s Continuums of Care indicated significant racial disparities among people who have accessed homeless services.<sup>76</sup> California’s population is approximately 6% Black, but Black or African Americans represent 31% of people accessing homeless services.<sup>77</sup> The data also indicated that 41% of people accessing homeless services reported a disabling condition, 17% reported experiencing domestic violence, and 22% were under the age of 18 – all factors that influence length of shelter stay, according to the Culhane Study.<sup>78</sup> A study of administrative data from the homeless shelter systems in New York City and Philadelphia found demographic differences among people experiencing homelessness, which contribute to differences in length of stay in shelters and could inform program planning.<sup>79</sup> The significant concentration of non-White people and those experiencing mental health challenges within the shelter system is consistent with the characteristics of people experiencing the eviction process. The researchers’ recommendation that targeted preventive and resettlement assistance, transitional housing and residential treatment, and supported housing and long-term care programs further

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<sup>71</sup> [https://www.robinhood.org/uploads/2017/04/Metrics-Equations-for-Website\\_Sept-2014.pdf](https://www.robinhood.org/uploads/2017/04/Metrics-Equations-for-Website_Sept-2014.pdf)

<sup>72</sup> Culhane, Dennis et al. “Testing a Typology of Family Homelessness Based on Patterns of Public Shelter Utilization in Four U.S. Jurisdictions: Implications for Policy and Program Planning.” *Housing Policy Debate*. May 2007.

<sup>73</sup> *Ibid.*

<sup>74</sup> *Ibid.*

<sup>75</sup> *Ibid.*

<sup>76</sup> “Demographics of People Who Were Served.” State of California Business, Consumer Services and Housing Agency. 2020.

<sup>77</sup> *Ibid.*

<sup>78</sup> *Ibid.*

<sup>79</sup> Kuhn, Randall and Culhane, Dennis. “Applying Cluster Analysis to Test a Typology of Homelessness by Pattern of Shelter Utilization: Results from the Analysis of Administrative Data.” *American Journal of Community Psychology*. April 1998.

indicates the costly housing responses needed to support people experiencing homelessness as a result of disruptive displacement.

Figure 1 shows the percentage of people reporting that they are experiencing homelessness and entering shelter because of eviction or an inability to pay for shelter by jurisdiction. These shelter entry metrics (i.e., the proportion of people at shelter connecting their entry to eviction or inability to pay for shelter) are not the same as the proportion of people experiencing eviction who enter shelter but are informative about the role eviction has as a pathway to homelessness and shelter entry.



**Figure 1**

It is also worth noting that not everyone who experiences disruptive displacement will also experience homelessness. However, not experiencing homelessness does not eliminate the social costs of disruptive displacement as these households will likely experience other trauma(s) related to disruptive displacement. That is, there are social costs to eviction even for households that do not experience homelessness because of their eviction. These social costs and traumas may include, but are not related to, needing to staying with family or friends until alternative affordable housing can be secured, experiencing challenges with securing alternative housing because of an eviction record, commuting longer distances to work because of where alternative affordable housing is available, disruptions to child school attendance and education, difficulty securing new child care providers, mental health trauma, and needing to make difficult financial decisions about basic needs (e.g., paying back rent owed or purchasing a medically necessary prescription).



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## *Evictions Connection to Homelessness Causes Fiscal Costs for Shelter Systems and Other Supports*

States often provide a variety of housing social safety net responses to people experiencing homelessness, such as emergency shelter, transitional housing, rapid re-housing, and permanent supportive housing.

The Massachusetts Housing and Shelter Alliance estimates that a homeless individual residing in Massachusetts creates an additional cost burden for state-supported services (shelter, emergency room visits, incarceration, etc.) that is \$9,372 greater per year than an individual who has stable housing.<sup>80</sup> Each time a family experiencing homelessness enters a state-run emergency shelter, the cost to the state is estimated at \$26,620.<sup>81</sup> Data from the HomeStart Program in Massachusetts indicates that the cost to prevent an eviction, negotiate back-rent owed, and provide a family with stabilization services is approximately \$2,000 (compared to the emergency shelter cost of \$26,620 per year).<sup>82</sup>

The Central Florida Commission on Homelessness has reported that the region spends \$31,000 per year per person experiencing homelessness on law enforcement, jail, emergency room, and hospitalization for medical and psychiatric issues.<sup>83</sup>

The City of Boise, Idaho reported that costs associated with chronic homelessness are \$53,000 per person experiencing homelessness annually including day shelters, overnight shelters, policing / legal, jail, transportation, emergency medical services and drug and alcohol treatment.<sup>84</sup> In contrast, providing people experiencing homelessness with permanent housing and case managers would cost approximately \$10,000 per person annually.<sup>85</sup>

By way of comparison, MaineHousing, the state agency providing public and private housing to low- and moderate-income tenants in Maine, found that the average annual cost of services per person experiencing homelessness to be \$26,986 in the greater Portland area and \$18,949 statewide.<sup>86</sup> The services contemplated in the average annual cost were associated with:

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<sup>80</sup> Wood-Boyle, Linda. "Facing Eviction: Homelessness Prevention for Low-Income Tenant Households." Federal Reserve Bank of Boston. December 1, 2014.

<sup>81</sup> Ibid.

<sup>82</sup> Eviction Prevention. HomeStart.org.

<sup>83</sup> Santich, Kate. "Cost of homelessness in Central Florida? \$31k per person." Orlando Sentinel. May 21, 2014.

<sup>84</sup> Crossgrove Fry, Vanessa. "Reducing Chronic Homeless via Pay for Success, A Feasibility Report for Ada County, Idaho." City of Boise. N.d.

<sup>85</sup> Santich, Kate. "Cost of homelessness in Central Florida? \$31k per person." Orlando Sentinel. May 21, 2014.

<sup>86</sup> Acquisto, Alex and Rhoda, Erin. "The \$132k idea that could reduce Bangor's eviction problem." Bangor Daily News. September 24, 2018.



physical and mental health, emergency room use, ambulance use, incarceration, and law enforcement.<sup>87</sup>

Investing in eviction prevention helps a community save valuable resources by preventing homelessness before it starts.<sup>88</sup> A three-year study by RAND Corporation found that providing housing for very sick individuals experiencing homelessness saved taxpayers thousands of dollars by reducing hospitalization and emergency room visits.<sup>89</sup> For every dollar invested in the program, the Los Angeles County government saved \$1.20 in health care and social service costs.<sup>90</sup>

### *Eviction Can Lead to Costs Associated with Unsheltered Populations*

In addition to costs related to sheltering people who are experiencing homelessness, jurisdictions bear significant costs related to people who are experiencing unsheltered homelessness. A person is experiencing unsheltered homelessness if they are living somewhere not meant for human habitation (e.g., tents, cars, recreational vehicles without electricity or sanitation connections, sidewalks, abandoned buildings, and other public spaces).<sup>91</sup> In 2019, the U.S. Department of Health and Human Services and the U.S. Department of Housing and Urban Development commissioned a study of the costs to four cities (Chicago, Houston, San Jose, and Tacoma) that were working to reduce encampments used by people experiencing unsheltered homelessness and providing services to people experiencing unsheltered homelessness.<sup>92</sup> The cost to reduce encampments and provide services ranged from \$1,672 to \$6,208 per unsheltered person per year.<sup>93</sup> The overall annual cost to the cities ranged from approximately \$3.4 million (Houston) to approximately \$8.6 million (San Jose).<sup>94</sup> Figure 2 shows these costs.

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<sup>87</sup> Ibid.

<sup>88</sup> Ibid.

<sup>89</sup> Holland, Gale. "Study find L.A. County saves money by housing sick homeless people." Los Angeles Times. December 4, 2017.

<sup>90</sup> Ibid.

<sup>91</sup> Dunton, Lauren et al. "Exploring Homelessness Among People Living in Encampments and Associated Cost: City Approaches to Encampments and What They Cost." U.S. Department of Housing and Urban Development, Office of Policy Development and Research. February 2020.

<sup>92</sup> Ibid.

<sup>93</sup> Ibid.

<sup>94</sup> Ibid.

	Total spending on encampment activities, FY 2019	Unsheltered homeless population, 2019 <sup>1</sup>	Cost per unsheltered homeless person, 2019
Chicago	\$ 3,572,000	1,260	\$2,835
Houston	\$ 3,393,000	1,614	\$2,102
Tacoma	\$ 3,905,000	629	\$6,208
San Jose	\$ 8,557,000	7,922	\$1,080

<sup>1</sup> The unsheltered homeless population for Chicago is for the city, whereas the numbers for Houston, San Jose, and Tacoma include the surrounding counties (Harris, Santa Clara, and Pierce Counties).

Source: City cost data; 2019 CoC Point-in-Time data, HUD

**Figure 2**

Costs incurred by local fire and police departments and emergency medical services were not included, but they can be the largest expenses for cities.<sup>95</sup> These quantifiable costs are not the only costs to cities with responses to the unsheltered population. Providing services takes significant resource-intensive coordination among a variety of stakeholders. For example, the study indicated the following agencies/service providers were involved in responding to people experiencing unsheltered homelessness: sanitation/solid waste/environmental services; homeless services providers offering assistance with case management, medical and mental health services, substance abuse services, food assistance, and financial assistance; departments of public health; departments of transportation; airport authorities; parks departments; public utility companies; fire departments; city management departments; outreach teams; and police departments.<sup>96</sup>

Stout is collecting data in its eviction right to counsel program evaluations in other jurisdictions to understand more fully where people believe they will go if they were evicted and has found that between approximately 10% and 20% eviction right to counsel clients seeking representation indicate they will likely live unsheltered if they are evicted.

### *Eviction Can Cause Employment and Housing Instability*

Eviction can lead to job loss making it more difficult to find housing, further burdening an already struggling family. Matthew Desmond, author of *Evicted: Poverty and Profit in the American City*, describes how job loss and eviction can be interconnected. When an evicted tenant does not know where their family will sleep the next night, maintaining steady employment is unlikely. If the evicted tenant is unemployed, securing housing after being evicted may take precedence over securing a job. If the evicted tenant is employed, the instability created by eviction often affects work performance and may lead to absenteeism, causing job loss.<sup>97</sup> The period before an eviction may be characterized by disputes with a rental

<sup>95</sup> Ibid.

<sup>96</sup> Ibid.

<sup>97</sup> Desmond, Matthew and Tolbert Kimbro, Rachel. “Eviction’s Fallout: Housing, Hardship, and Health.” Social Forces. February 24, 2015.

property owner or stressful encounters with the court system.<sup>98</sup> These stressors can cause workers to make mistakes as they are preoccupied with non-work matters.<sup>99</sup> After an eviction, workers may need to miss work to search for new housing, and because they now have an eviction record, finding a rental property owner willing to rent to them may increase the time it takes to secure new housing.<sup>100</sup> Workers may need to live farther from their jobs, increasing the likelihood of tardiness and absenteeism.<sup>101</sup> A recent Harvard University study suggests the likelihood of being laid off to be 11 to 22 percentage points higher for workers who experienced an eviction or other involuntary move compared to workers who did not.<sup>102</sup>

A similar analysis in Wisconsin, the Milwaukee Area Renters Study, found that workers who involuntarily lost their housing were approximately 20% more likely to subsequently lose their jobs compared to similar workers who did not.<sup>103</sup> Approximately 42% of respondents in the Milwaukee Area Renters Study who lost their job in the two years prior to the study also experienced an involuntary move.<sup>104</sup> The impact of job loss and eviction disproportionately affects Black people who face significant discrimination in both the housing and labor markets.<sup>105</sup>

Eviction not only adversely affects unemployed and employed tenants' job prospects but also their earnings and the potential future earnings of children. A study of eviction filings from 2007 to 2016 in New York City sought to assess whether evictions contributed substantially to poverty by analyzing the effect of evictions on earnings and employment.<sup>106</sup> Eviction filing data was linked to Medicaid, Temporary Assistance for Needy Families, Supplemental Nutrition Assistance Program, and other New York City-specific benefits data.<sup>107</sup> The researchers found that eviction was associated with between \$1,000 and \$3,000 reduction in total earnings in the one to two years post-filing.<sup>108</sup> Robin Hood estimates a child's average future earnings could decrease by 22% if the child experienced juvenile delinquency, which can be associated with the

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<sup>98</sup> Desmond, Matthew and Gerhenson, Carl. "Housing and Employment Insecurity among the Working Poor." Harvard University. January 11, 2016.

<sup>99</sup> Ibid.

<sup>100</sup> Ibid.

<sup>101</sup> Ibid.

<sup>102</sup> Ibid.

<sup>103</sup> Desmond, Matthew. "Unaffordable America: Poverty, housing, and eviction." Institute for Research on Poverty. March 2015.

<sup>104</sup> Desmond, Matthew and Gerhenson, Carl. "Housing and Employment Insecurity among the Working Poor." Harvard University. January 11, 2016.

<sup>105</sup> Ibid.

<sup>106</sup> Collinson, Robert and Reed, Davin. "The Effects of Evictions on Low-Income Households." New York University Law. December 2018. And Collinson, Robert et al. "Eviction and Poverty in American Cities." National Bureau of Economic Research. August 2022.

<sup>107</sup> Ibid.

<sup>108</sup> Ibid.

disruption to families from eviction.<sup>109</sup> When families and children earn less (now or in future periods) the associated financial strains can result in various costs to the cities and communities in which they live. Research has shown that forced moves can perpetuate generational poverty and further evictions.<sup>110</sup> In addition, the reduction in earning capacity for these families can increase the demand on various social services provided by these cities and communities. Further, cities lose the economic benefit of these wages, including the economic stimulus of community spending and potential tax revenue. These impacts – potential earning capacity, generational poverty, and other economic consequences – are long-term and incredibly challenging to reverse.

### *Eviction Can Impair Tenants' Ability to Re-Rent and Harm Credit Scores*

Tenants with an eviction case brought against may have the case on their record whether they are ultimately evicted or not. This information is easily accessible, free, and used by rental property owners and tenant screening companies to create tenant blacklists, making it difficult for tenants with eviction records to re-rent and exacerbating housing discrimination.<sup>111</sup> Data aggregation companies are now creating “screening packages” that rental property owners can use to select their tenants.<sup>112</sup> These packages often include a full credit report, background check, and an eviction history report. Using data and technology to streamline and automate the screening process will only exacerbate the impact of eviction on tenants. One data aggregation company stated, “it is the policy of 99% of our [landlord] customers in New York to flat out reject anybody with a landlord-tenant record, no matter what the reason is and no matter what the outcome is.”<sup>113</sup> In cities where there is a right to counsel, the number of eviction filings has declined, indicating that a right to counsel can also reduce the harmful

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<sup>109</sup> Robin Hood is a New York City based non-profit organization that provides funding to more than 200 programs across New York City. <https://www.robinhood.org/what-we-do/metrics/>

<sup>110</sup> Lundberg, Ian and Donnelly, Louis. “A Research Note on the Prevalence of Housing Eviction among Children Born in U.S. Cities.” Princeton University, Woodrow Wilson School of Public and International Affairs, Center for Research on Child Wellbeing. 2019.

<sup>111</sup> Desmond, Matthew. “Unaffordable America: Poverty, housing, and eviction.” Institute for Research on Poverty. March 2015.

<sup>112</sup> Greene, Kimberly. “Online screening process gives landlords peace of mind.” Mortgage Professional America. November 12, 2019.

<sup>113</sup> Kleysteuber, Rudy. “Tenant Screening Thirty Years Later: A Statutory Proposal To Protect Public Records.” The Yale Law Journal. 2007. Referencing Rogers, Teri Karush. “Only the Strongest Survive.” The New York Times. November 26, 2006 (quoting Jake Harrington, founder of On-Site.com). While the inclination to reject tenant applicants regardless of the outcome of their prior eviction case might appear to nullify the impact of providing representation, system representation may cause a deterrent effect in terms of rental property owners’ decisions of whether to file an eviction in the first place. New York City and San Francisco, which are the only cities where a right to counsel has existed long enough to have data, have both experienced significant declines in their respective eviction filing rates. See: “Press Release: Supervisor Dean Preston Holds Hearing on Implementation for Right to Counsel Law.” February 24, 2020. & “New York City Residential Eviction Filings Decline.” NYU Furman Center. November 18, 2019.

effects of being exposed to the eviction process regardless of case outcomes. Many rental property owners and public housing authorities will not rent to tenants who have been recently evicted. Therefore, renters with an eviction on their record will often be forced to find housing in less desirable neighborhoods that lack adequate access to public transportation, are farther from their jobs, have limited or no options for child care, and lack grocery stores.<sup>114</sup> A University of North Carolina Greensboro study found that 45% of tenants who were evicted had difficulty obtaining decent, affordable housing after their evictions.<sup>115</sup> Additionally, evictions can have a detrimental impact on tenants receiving federal housing assistance, such as Section 8 vouchers. In some cases, court-ordered evictions may cause a housing authority to terminate the tenant's Section 8 voucher or render the tenant ineligible for future federal housing assistance.<sup>116</sup> Rental property owners often view a potential tenant's credit score as a key factor in determining whether they want to rent to the potential tenant. A low credit score caused by a past eviction can make it exceedingly difficult for renters to obtain suitable housing.<sup>117</sup> A tenant who was interviewed in the University of North Carolina Greensboro study stated, "it [eviction] affected my credit and it is hard to get an apartment...three landlords have turned me away."<sup>118</sup> Damage to a renter's credit score from an eviction can also make other necessities more expensive since credit scores are often considered to determine the size of initial deposit to purchase a cell phone, cable and internet, and other basic utilities.<sup>119</sup> Another tenant from the University of North Carolina Greensboro study stated, "I have applied for at least three different places and was turned down because of the recent eviction. The only people I can rent from now are slumlords who neglect their properties. The ones that don't even care to do any kind of record check."<sup>120</sup> In Milwaukee, tenants who experienced an involuntary move were 25% more likely to have long-term housing instability compared to other low-income tenants.<sup>121</sup> A 2018 survey of

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<sup>114</sup> Desmond, Matthew and Tolbert Kimbro, Rachel. "Eviction's Fallout: Housing, Hardship, and Health." *Social Forces*. February 24, 2015.

<sup>115</sup> Sills, Stephen J. et al. "Greensboro's Eviction Crisis." The University of North Carolina Greensboro Center for Housing and Community Studies. N.d.

<sup>116</sup> Desmond, Matthew and Tolbert Kimbro, Rachel. "Eviction's Fallout: Housing, Hardship, and Health." *Social Forces*. February 24, 2015.

<sup>117</sup> An eviction itself is not reported to credit bureaus even if the rental property owner is successful in court, although money judgments are reported. The effects of the eviction may appear on a credit report if the tenant failed to pay rent and the rental property owner sent the delinquency to a collection agency. While there is not a set timeframe for when this information appears on a credit report, the item is treated like any other delinquent debt. It will remain there for seven years from the date of delinquency, even if it is paid off. There are also screening reports that rental property owners use that report eviction data, criminal records, etc. See <https://aaacreditguide.com/eviction-credit-report/>.

<sup>118</sup> Sills, Stephen J. et al. "Greensboro's Eviction Crisis." The University of North Carolina Greensboro Center for Housing and Community Studies. N.d.

<sup>119</sup> [https://www.investopedia.com/terms/c/credit\\_score.asp](https://www.investopedia.com/terms/c/credit_score.asp).

<sup>120</sup> Sills, Stephen J. et al. "Greensboro's Eviction Crisis." The University of North Carolina Greensboro Center for Housing and Community Studies. N.d.

<sup>121</sup> Desmond, Matthew. "Evicted: Poverty and Profit in the American City." 2016.

tenants who had been evicted in Seattle found that 80% of survey respondents were denied access to new housing because of a previous eviction, and one-third of respondents were not able to re-rent because of a monetary judgment from a previous eviction.<sup>122</sup>

The Consumer Financial Protection Bureau released an Enforcement compliance bulletin reminding rental property owners, consumer reporting agencies, and others of their obligations to accurately report rental and eviction information.<sup>123</sup> Without a lawyer, it may be challenging for tenants to dispute inaccurate rental and eviction information they find on their credit reports. Having accurate credit reports is particularly relevant in the current economic climate of increasing rents and low vacancy rates. Stout has learned through its eviction right to counsel evaluations in other jurisdictions that rental property owners often use past eviction filings, regardless of the outcome of the case or the circumstances involved, as a leading indicator of risk.

### *Eviction Can Arise from Unpaid Utility Bills*

Non-payment of utilities can result in eviction and the loss of housing vouchers.<sup>124</sup> A recent study of the costs of eviction in Seattle connected income instability and having unpaid utility or property tax bills to possible eviction.<sup>125</sup> After an income disruption (i.e., job loss, health emergency, unexpected expenses), financially insecure households are three times more likely to miss a utility payment and 14 times more likely to be evicted than financially secure households.<sup>126</sup> In 2011, the average electric bill in Houston, Texas was found to be more than \$200 per month during the summer, making utility payments a barrier to maintaining housing for low-income renters.<sup>127</sup> Furthermore, some rental assistance programs in Houston calculate a “utility allowance,” which often do not fully cover true utility costs, leaving tenants at risk of eviction if utility bills are unpaid.<sup>128</sup>

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<sup>122</sup> “Losing Home: The Human Cost of Eviction in Seattle.” The Seattle Women’s Commission and the Housing Justice Project of the King County Bar Association. September 2018.

<sup>123</sup> “As Federal Eviction Protections Come to an End, CFPB Warns Landlords and Consumer Reporting Agencies to Report Rental Information Accurately.” Consumer Financial Protection Bureau. July 2021.

<sup>124</sup> Ibid.

<sup>125</sup> Elliot, Diana and Kalish, Emma. “The Cost of Eviction and Unpaid Bills of Financially Insecure Families for City Budget.” Urban Institute. January 2017.

<sup>126</sup> Ibid.

<sup>127</sup> “Capacity and Gaps in the Homeless Residential and Service System, Harris and Fort Bend Counties.” Coalition for the Homeless Houston/Harris County. 2011.

<sup>128</sup> Ibid.



### *Eviction is Connected to Physical Health Impacts*

A significant body of research has documented the connection between health and housing. Substandard housing conditions are associated with a variety of health conditions, such as respiratory infections, asthma, and lead poisoning.<sup>129</sup>

An analysis of the 2015 American Housing Survey data, which included specific questions on asthma and asthma triggers in the home, indicated that: (1) households with children are more likely to have at least one child with asthma when they also report exposure to smoke, mold, and leaks in their home; (2) renters with children are more likely to have asthma triggers in their homes than owners; and (3) households receiving rental subsidies (e.g., vouchers, rental assistance, or living in public housing) have higher exposure to indoor asthma triggers than other low-income renters not receiving rental subsidies and are more likely to have at least one child with asthma.<sup>130</sup>

Like asthma, housing instability can affect the health of family members of all ages.<sup>131</sup> Researchers at Boston Medical Center found that caregivers of young children in unstable low-income housing are two times more likely than those in stable housing to be in fair or poor health, and almost three times more likely to report symptoms of depression. Children aged four and under in these families had almost a 20% higher risk of hospitalization, and more 25% higher risk of developmental delays.<sup>132</sup> Another study of caregivers to children found that, of more than 22,000 families served by medical centers over a six-year study period, approximately 34% had at least one of the following adverse housing circumstances: 27% had been behind on rent; 12% had experienced homelessness; and 8% had moved at least twice in the previous 12 months.<sup>133</sup> A recent study published by the American Academy of Pediatrics examining the effects of homelessness on pediatric health found that the stress of both prenatal and postnatal homelessness was associated with increased negative health outcomes compared to children who never experienced homelessness.<sup>134</sup> A study of nearly 10,000 mothers in five U.S. cities found that prenatal homelessness was associated with a higher likelihood of low birth weight and preterm delivery.<sup>135</sup> Researchers from Harvard and Princeton (in conjunction with the

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<sup>129</sup> Krieger, James and Higgins, Donna. "Housing and Health: Time Again for Public Health Action." *American Journal of Public Health*. 2002.

<sup>130</sup> Ganesh, Bhargavi et al. "The Relationship between Housing and Asthma among School-Age Children." Urban Institute. October 2017.

<sup>131</sup> Butera, Candace. "The Burden of a Late Rent Check Can Harm the Health of Both Parents and Kids." *Pacific Standard*. January 23, 2018.

<sup>132</sup> *Ibid.*

<sup>133</sup> Sandel, Megan, et al. "Unstable Housing and Caregiver and Child Health in Renter Families."

<sup>134</sup> Sandel, Megan, et al. "Timing and Duration of Pre- and Postnatal Homelessness and the Health of Young Children." *The American Academy of Pediatrics*. September 2018.

<sup>135</sup> Cutts, Diana B. et al. "Homelessness During Pregnancy: A Unique, Time-Dependent Risk Factor of Birth Outcomes." *Maternal and Child Health Journal*. November 2014.

Public Health Institute of Basel, Switzerland) had similar findings in their study of eviction filings: experiencing an eviction filing during pregnancy was associated with an increased risk of low birth weight and premature birth.<sup>136,137</sup> Furthermore, Black mothers who are experiencing homelessness have worse birth outcomes than other mothers who are experiencing homelessness – a reflection of the disparate health outcomes generally experienced by the Black population.<sup>138</sup>

A recent study published by the American Academy of Pediatrics explored the impact of formal and informal evictions on households with children and their caregivers.<sup>139</sup> The study describes correlations between households experiencing eviction and:

- Increased likelihood of the caregivers and children experiencing worse health outcomes
- Increased developmental risks among children
- Increased hospital admission among children
- Increased likelihood of the household experiencing food insecurity and inability to afford utilities, healthcare, and childcare.<sup>140</sup>

A 2022 study of a medical-legal partnership in Greater Cincinnati, Ohio found that when lawyers addressed health-related social needs of children, the hospitalization rate for the children decreased approximately 38% following the year of legal assistance compared to children who did not receive legal assistance.<sup>141</sup> Lawyers working within the medical-legal partnership assisted with representing households with children in eviction proceedings, compelling the remediation of substandard rental housing conditions, appealing public benefits denials, and resolving issues with schools about disability accommodations.<sup>142</sup> A 2014 study of mold prevalence in Detroit homes found that the age of the home and mold contamination were positively correlated (i.e., older homes had higher rates of mold contamination).<sup>143</sup> Asthmatic

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<sup>136</sup> Khadka, Aayush, et al. “In utero exposure to threat of evictions and preterm birth: Evidence from the United States.” *Health Services Research*. 2020.

<sup>137</sup> Himmelstein, Gracie and Desmond, Matthew. “Association of Eviction With Adverse Birth Outcomes Among Women in Georgia, 2000 to 2016.” *JAMA Pediatrics*. March 2021.

<sup>138</sup> Gay Dawes, Elizabeth. “Housing Instability Is an Important (Yet Overlooked) Factor in the Maternal Health Crisis.” *Rewire.News*. April 12, 2018.

<sup>139</sup> Cutts, Diana B. MD. et al. “Eviction and Household Health and Hardships in Families with Very Young Children.” *American Academy of Pediatrics*. October 2022.

<sup>140</sup> *Ibid.*

<sup>141</sup> Beck, Andrew F. et al. “Reductions in Hospitalizations Among Children Referred to a Primary Care-Based Medical-Legal Partnership.” *Health Affairs*. March 2022.

<sup>142</sup> *Ibid.*

<sup>143</sup> Vesper, Stephen et al. “Use of Medicaid and housing data may help target areas of high asthma prevalence.” *Journal of Asthma*. 2017.



children in Detroit were living in homes with higher than average mold contamination rates than non-Detroit homes.<sup>144</sup> According to a Michigan Department of Health and Human Services report, the prevalence of asthma among Detroit adults is 29% higher than Michigan residents outside of Detroit, and the hospitalization rate for people with asthma in Detroit is three times higher than Michigan residents outside of Detroit.<sup>145</sup>

A 2016 Canadian study found that eviction specifically is associated with increased odds of having detectable viral loads among people living with HIV and increased rates of illicit drug use and relapse.<sup>146</sup>

Families who are evicted often relocate to neighborhoods with higher levels of poverty and violent crime.<sup>147</sup> Researchers at Boston Medical Center and Children’s Hospital found that homes with vermin infestation, mold, inadequate heating, lead, and in violent areas were connected to increased prevalence of respiratory disease, injuries, and lead poisoning in children.<sup>148</sup> Living in a distressed neighborhood can negatively influence a family’s well-being.<sup>149</sup> Moreover, families experiencing eviction who are desperate to find housing often accept substandard living conditions that can bring about significant health problems.<sup>150</sup> The primary health outcome found to be related to housing is respiratory health, which is measured by the presence of respiratory disease or by lung function.<sup>151</sup> Housing conditions that are respiratory health factors include cold temperatures, humidity, and ventilation – all of which contribute to the growth of mold, fungi, and other microorganisms.<sup>152</sup> Living in these conditions can result in wheezing, aches and pains, gastrointestinal issues, headaches, and fever.<sup>153</sup> Data from the Third National Health and Nutrition Examination Survey estimated that housing environments exacerbate the effects of asthma in 40% of children.<sup>154</sup>

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<sup>144</sup> Ibid.

<sup>145</sup> DeGuire, Peter et al. “Detroit: The Current Status of the Asthma Burden.” Michigan Department of Health and Human Services Bureau of Disease Control, Prevention and Epidemiology. March 2016.

<sup>146</sup> “Eviction and Health: A Vicious Cycle Exacerbated by a Pandemic.” Robert Wood Johnson Foundation. April 2021. Referencing Kennedy, Mary Clare et al. “Residential Eviction and Risk of Detectable Plasma HIV-1 RNA Viral Load Among HIV-Positive People Who Use Drugs.” *AIDS Behavior*. February 2016.

<sup>147</sup> Desmond, Matthew and Tolbert Kimbro, Rachel. “Eviction’s Fallout: Housing, Hardship, and Health.” *Social Forces*. February 24, 2015.

<sup>148</sup> “Not Safe at Home: How America’s Housing Crisis Threatens the Health of Its Children.” The Doc4Kids Project, Boston Medical Center and Children’s Hospital. 1998.

<sup>149</sup> Desmond, Matthew and Tolbert Kimbro, Rachel. “Eviction’s Fallout: Housing, Hardship, and Health.” *Social Forces*. February 24, 2015.

<sup>150</sup> Ibid.

<sup>151</sup> Shaw, Mary. “Housing and Public Health.” Department of Social Medicine, University of Bristol. October 2003.

<sup>152</sup> Ibid.

<sup>153</sup> Ibid.

<sup>154</sup> Sandel, Megan and Desmond, Matthew. “Investing in Housing for Health Improves Both Mission and Margin.” *The Journal of the American Medical Association*. 2017.

Researchers in Boston analyzed ten years of tenant complaints to the city regarding mold, pest infestation, and other substandard housing conditions. After adjusting for income and other neighborhood characteristics, they found tenant race was significantly associated with the incidences of housing conditions that trigger asthma.<sup>155</sup> For every 10% decrease in the proportion of White residents in a neighborhood, the incidence of housing conditions that trigger asthma increased by approximately three reports per 1,000 residents.<sup>156</sup> Not only were incidence of asthma triggers higher in low-income, racially diverse neighborhoods, but response times by the city to these complaints were longer.<sup>157</sup> In neighborhoods with the lowest proportions of White residents, the response time to complaints was 17% (3.5 days) slower than the median response in neighborhoods with the highest proportions of White residents.<sup>158</sup> Complaints in neighborhoods with the lowest proportions of White residents were also approximately 14% more likely of being flagged as overdue for a response and approximately 54% less likely to have been repaired than complaints in neighborhoods with the highest proportions of White residents.<sup>159</sup>

While mold is often a cause of asthma, it is also a food source for dust mites, which are a known allergen.<sup>160</sup> In addition to causing respiratory health issues, exposure to lead can have irreversible health impacts. Because lead is more prevalent in older and substandard housing, lead poisoning must also be viewed as a manifestation of the affordable housing crisis.<sup>161</sup> According to the Centers for Disease Control and Prevention, children who live in households at or below the federal poverty level and those living in housing built before 1978 are at the greatest risk of exposure.<sup>162</sup> Children of color are also at a higher risk of lead exposure attributable in significant part to the longstanding effects racist housing policies including redlining, which have exacerbated other historical inequities in accessing safe and healthy housing.<sup>163</sup> Even at low levels of exposure, lead causes brain and nervous system damage including: impaired growth, hyperactivity, reduced attention span, intellectual and developmental disabilities, hearing loss, insomnia, and behavioral issues.<sup>164</sup> Researchers from Harvard recently studied the connection between eviction and lead poisoning by analyzing data from the national Fragile Families & Child Wellbeing Study. Children evicted in their first year of life were predicted to have approximately a 10% likelihood of being diagnosed with lead

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<sup>155</sup> Lemire, Evan et al. “Unequal Housing Conditions and Code Enforcement Contribute to Asthma Disparities in Boston, Massachusetts.” Health Affairs. April 2022.

<sup>156</sup> Ibid.

<sup>157</sup> Ibid.

<sup>158</sup> Ibid.

<sup>159</sup> Ibid.

<sup>160</sup> Shaw, Mary. “Housing and Public Health.” Department of Social Medicine, University of Bristol. October 2003.

<sup>161</sup> “Lead.” National Center for Healthy Housing. N.d.

<sup>162</sup> “Childhood Lead Poisoning Prevention.” Centers for Disease Control and Prevention. November 2020.

<sup>163</sup> Ibid.

<sup>164</sup> “Lead.” National Center for Healthy Housing. N.d.

poisoning by age three compared to approximately a 5% likelihood if they were not evicted.<sup>165</sup> Future evictions were shown to exacerbate this disparity. Between ages three and five, children evicted in both the first and third years of life were predicted to have an 11% likelihood of being newly diagnosed with lead poisoning compared to a 2% likelihood if they were never evicted.<sup>166</sup>

Although already well-documented, the COVID-19 pandemic has created further evidence of the connection between housing and health. Housing instability undermines crucial infection prevention strategies deployed throughout the pandemic, exacerbating the health consequences of eviction.<sup>167</sup> Research has shown that eviction and displacement are associated with increased COVID-19 infection and mortality rates.<sup>168</sup> Eviction and displacement lead to overcrowding, doubling up, and homelessness, which all increase contact with other people and make social distancing challenging.<sup>169</sup> While most people who experience eviction do not immediately enter shelter and instead double up with friends and family, these living arrangements increase the likelihood of exposure to COVID-19 and are compounded by members of these households who are often working essential jobs with a higher risk of exposure.<sup>170</sup> Research has demonstrated that eviction and housing instability are associated with a variety of comorbidities – increased incidence of high blood pressure, heart disease, respiratory illnesses, sexually transmitted infections, and drug use.<sup>171</sup> These comorbidities, in combination with the inability to socially distance, puts people who have been evicted or who are experiencing housing instability at increased risk of contracting, spreading, and dying from COVID-19.<sup>172</sup>

Although the pandemic has moved into a phase with less intensive responses (e.g., social distancing, business and school closures, mask mandates, eviction moratoria), renters with low incomes may still be at increased risk of contracting COVID-19, which can have severe consequences, such as eviction arising from employment loss or a reduction in hours. These impacts will likely persist as will the associated disruptions so long as COVID-19 remains highly transmissible and capable of significant impacts to health.

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<sup>165</sup> Schwartz, Gabriel. “Cycles of Disadvantage: Eviction and Children’s Health in the United States.” Harvard University. 2020.

<sup>166</sup> Ibid.

<sup>167</sup> “Eviction and Health: A Vicious Cycle Exacerbated by a Pandemic.” Robert Wood Johnson Foundation. April 2021.

<sup>168</sup> Nande, Anjalika et al. “The effect of eviction moratoria on the transmission of SARS-CoV-2.” medRxiv. November 2020.

<sup>169</sup> Benfer, Emily et al. “Eviction, Health Inequity, and the Spread of COVID-19: Housing Policy as a Primary Pandemic Mitigation Strategy.” *Journal of Urban Health*. January 2021.

<sup>170</sup> Ibid.

<sup>171</sup> Ibid.

<sup>172</sup> Ibid.

## *Eviction is Connected to Mental Health Impacts*

An Associate Professor of Pediatrics at Drexel University College of Medicine testified at a Philadelphia City Council hearing that, “science has shown that children who live in stressful environments, such as substandard housing, the threat of eviction, homelessness and poverty, have changes in their neurological system that affects their ability to learn, to focus, and to resolve conflicts.”<sup>173</sup> Professor Daniel Taylor also stated that this “toxic stress” affects many of the body’s critical organ systems resulting in an increased prevalence of behavioral issues, diabetes, weight issues, and cardiovascular disease.<sup>174</sup> Furthermore, major life stressors have been found to increase rates of domestic violence.<sup>175</sup> According to a nationwide survey of domestic violence shelters and programs, approximately 41% of respondents indicated evictions and home foreclosures as a driver of increased demand for domestic violence services.<sup>176</sup> In Seattle, approximately 38% of survey respondents who had experienced eviction reported feeling stressed, 8% experienced increased or new depression, anxiety, or insomnia, and 5% developed a heart condition they believed to be connected to their housing instability.<sup>177</sup> Among respondents who had school-age children, approximately 56% indicated that their children’s health suffered “very much” as a result of eviction, and approximately 33% indicated that their children’s health suffered “somewhat” for a total of 89% of respondents’ children experiencing a negative health impact because of eviction.<sup>178</sup> A recent study in Cleveland by Case Western University found that approximately 21% of interviewed tenants facing eviction self-reported that they were experiencing poor health.<sup>179</sup> Forty-five percent of interviewed tenants reported that they had been mentally or emotionally impacted by the eviction process and that their children were also mentally or emotionally impacted.<sup>180</sup>

A survey of approximately 2,700 low-income mothers from 20 cities across the country who experienced an eviction consistently reported worse health for themselves and their children, including increased depression and parental stress.<sup>181</sup> These effects were persistent. Two years

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<sup>173</sup> Taylor, Daniel R. Testimony Presented to City Council Committee on Licenses and Inspections and the Committee on Public Health and Human Services Regarding Resolution 160988. March 20, 2017.

<sup>174</sup> Ibid.

<sup>175</sup> Makepeace, J. “Life Events Stress and Courtship Violence.” *Family Relations*. January 1983.

<sup>176</sup> “Homeless Service Utilization Report.” Center on Family at the University of Hawaii and the Homeless Programs Office of the Hawaii State Department of Human Services. 2010. Referencing “Domestic Violence Counts 2009: A 24-Hour Census of Domestic Violence Shelters and Services.” National Network to End Domestic Violence. 2009.

<sup>177</sup> “Losing Home: The Human Cost of Eviction in Seattle.” The Seattle Women’s Commission and the Housing Justice Project of the King County Bar Association. September 2018.

<sup>178</sup> Ibid.

<sup>179</sup> “The Cleveland Eviction Study: Observations in Eviction Court and the Stories of People Facing Eviction.” Center on Urban Poverty and Community Development, Case Western University. October 2019.

<sup>180</sup> Ibid.

<sup>181</sup> Desmond, Matthew and Tolbert Kimbro, Rachel. “Eviction’s Fallout: Housing, Hardship, and Health.” *Social Forces*. February 24, 2015.

after experiencing eviction, mothers still had higher rates of material hardship and depression than mothers who had not experienced eviction.<sup>182</sup> In a study of the effects of forced dislocation in Boston’s West End, approximately 46% of women and 38% of men expressed feelings of grief or other depressive reactions when asked how they felt about their displacement.<sup>185</sup> A study on the effects of eviction in Middlesex County, Connecticut included interviews with individuals who had experienced an eviction. In almost every case, interviewees expressed that their eviction negatively impacted their physical and mental health.<sup>184</sup> Approximately two-thirds of interviewees reported feeling more anxious, depressed, or hopeless during the eviction process.<sup>185</sup> Individuals who had previously struggled with mental health issues reported that the stress from the eviction exacerbated their conditions with three interviewees reporting hospitalization for mental health issues following their evictions.<sup>186</sup> Inadequate sleep, malnourishment, physical pain, and increased use of drugs and alcohol were also cited by the interviewees.<sup>187</sup>

As with many of the negative impacts of eviction, both physical and mental health issues can be long-term, difficult to reverse, and extremely costly to treat. A study of Medicaid recipients in New Jersey found that health care spending for Medicaid recipients who were experiencing homelessness were between 10% and 27% higher than Medicaid recipients who were stably housed, all else equal.<sup>188</sup> The 10 to 27% increase in Medicaid spending for individuals experiencing homelessness equates to an additional \$1,362 to \$5,727, of which at least 75% is attributed to inpatient hospital and emergency department services.<sup>189</sup> A study in Michigan found that Medicaid spending for adults experiencing homelessness was 78% higher than the statewide average and 26% higher for children experiencing homelessness than the statewide average.<sup>190</sup>

The American Journal of Preventive Medicine recently published a research article examining the intersection of eviction and health care utilization / access in New York City. Over a 6-month period, Medicaid enrollees who were evicted made 32% fewer prescription fills, 40%

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<sup>182</sup> Ibid.

<sup>183</sup> Fried, Marc. “Grieving for a Lost Home: Psychological Costs of Relocation.” The MIT Press. 1966.

<sup>184</sup> Babajide, Rilwan, et. al. “Effects of Eviction on Individuals and Communities in Middlesex County.” The Middlesex County Coalition on Housing and Homelessness. May 12, 2016.

<sup>185</sup> Ibid.

<sup>186</sup> Ibid.

<sup>187</sup> Ibid.

<sup>188</sup> Cantor, Joel C. et al. “Medicaid Utilization and Spending among Homeless Adults in New Jersey: Implications for Medicaid-Funded Tenancy Support Services.” The Milbank Quarterly. January 22, 2020.

<sup>189</sup> Ibid.

<sup>190</sup> Spellman, Brooke, et. al. “Costs Associated With First-Time Homelessness for Families and Individuals.” U.S. Department of Housing and Urban Development, Office of Policy Development and Research. March 2010.

fewer ambulatory care visits, and 22% more acute care visits.<sup>191</sup> A 2016 study of more than 1,600 Medicaid enrollees found that when these enrollees lived in affordable housing, overall health care expenditures decreased by 12% and emergency department visits decreased by 18%.<sup>192</sup>

The connection between housing stability and a household's mental and physical health is evident. Safe, habitable homes are important, especially in times of crisis when mental and physical health issues may become exacerbated. During the COVID-19 pandemic, numerous cities and states throughout the country instituted eviction moratoriums, recognizing the crucial role housing plays in public health and safety.<sup>193</sup> Researchers from the University of California, Los Angeles' Ziman Center for Real Estate found that renters reported better mental health as the eviction moratoriums progressed, particularly the mental health of Black renters.<sup>194</sup> Each additional week that eviction moratoriums were in place, the share of Black renter households who reported "feeling anxious" decreased by approximately 2%.<sup>195</sup>

### *Eviction Can be a Cause of Suicide*

In 2015, the American Journal of Public Health published the first comprehensive study of housing instability as a risk factor for suicide.<sup>196</sup> Researchers identified 929 eviction- or foreclosure-related suicides, which accounted for 1% to 2% of all suicides and 10% to 16% of all financial-related suicides from 2005 to 2010.<sup>197</sup> In 2005, prior to the 2009 housing crisis, there were 58 eviction-related suicides.<sup>198</sup> At the peak of the housing crisis in 2009, there were 94 eviction-related suicides, an increase of 62% from 2005.<sup>199</sup> These statistically significant increases were observed by researchers relative to the frequency of all other suicides during the same period and relative to suicides associated with general financial hardships, suggesting that the increase in eviction- or foreclosure-related suicides was not only a part of a general increase in the number of suicides.<sup>200</sup> After the housing crisis, eviction-related suicides began to return to pre-crisis levels. Approximately 79% of suicides occurred before the actual loss of housing,

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<sup>191</sup> Schwartz, Gabriel L. et al. "Eviction, Healthcare Utilization, and Disenrollment Among New York City Medicaid Patients." American Journal of Preventive Medicine. 2022.

<sup>192</sup> "Health in Housing: Exploring the Intersection between Housing and Health Care." Center for Outcomes Research and Education and Enterprise Community Partners, Inc. February 2016.

<sup>193</sup> Parker, Will. "Coronavirus Outbreak Pushed Local Governments to Freeze Home Evictions." The Wall Street Journal. March 22, 2020.

<sup>194</sup> An, Xudong et al. "More Than Shelter: The Effects of Rental Eviction Moratoria on Household Well-Being." SSRN. July 2021.

<sup>195</sup> Ibid.

<sup>196</sup> Fowler, Katherine A. et al. "Increase in Suicides Associated With Home Eviction and Foreclosure During the US Housing Crisis: Findings From 16 National Violent Death Reporting System States, 2005-2010." American Journal of Public Health. February 2015.

<sup>197</sup> Ibid.

<sup>198</sup> Ibid.

<sup>199</sup> Ibid.

<sup>200</sup> Ibid.



and 39% of people taking their lives had experienced an eviction- or foreclosure-related crisis (e.g., eviction notice, court hearing, vacate date) within two weeks of the suicide.<sup>201</sup> A 2012 analysis of online court record archives that linked court records to suicide deaths found that in an urban county, nearly a third of suicide victims had recent court involvement – twice the proportion of the control group.<sup>202</sup> Foreclosure was associated with a threefold increase in the risk of suicide.<sup>203</sup>

### *Eviction Can Cause Excess Mortality*

According to The National Health Care for the Homeless Council, people experiencing homelessness have higher rates of illness and die, on average, 12 years sooner than the general population.<sup>204</sup> A 7-year study of people experiencing homelessness in New York City who were living in emergency shelter found that their age-adjusted mortality rate was 4 times higher than the general population.<sup>205</sup>

The National Health Care for the Homeless Council (the Council) conducted a literature review of studies related to premature death among people experiencing homelessness. Several studies reviewed by the Council indicated increased rates of premature death in “zones of mortality” which were characterized by high poverty rates, concentrations of people experiencing homelessness, emergency shelters, and substandard housing conditions.<sup>206</sup>

A 19-year study by researchers at Wayne State University of Medicine compared the health status of older adults in Detroit to older adults in Michigan outside of Detroit. The analysis, titled *Dying Before Their Time*, found that older adults living in Detroit die at twice the rate of those living in Michigan outside of Detroit.<sup>207</sup> The researchers identified social determinants of health as a major cause of excess death in Detroit.<sup>208</sup> Social determinants of health, one being housing, influence between 60% and 70% of individual and community wellbeing.<sup>209</sup>

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<sup>201</sup> Ibid.

<sup>202</sup> Cook, Thomas Bradley and Davis, Mark. “Assessing Legal Strains and Risk of Suicide Using Archived Court Data.” Center for Health Disparities Research & Education. August 2012.

<sup>203</sup> Ibid.

<sup>204</sup> “Homelessness & Health: What’s the Connection?” National Health Care for the Homeless Council. February 2019.

<sup>205</sup> Barrow, Susan M and Struening, Elmer L. “Mortality Among Homeless Shelter Residents in New York City.” *American Journal of Public Health*. April 1999.

<sup>206</sup> O’Connell, James J. “Premature Mortality in Homeless Populations: A Review of the Literature.” National Health Care for the Homeless Council. December 2005.

<sup>207</sup> Smitherman, Herbert C, MD, MPH, FACP, et al. “Dying Before Their Time III 19-Year (1999-2017) Comparative Analysis of Excess Mortality in Detroit (PSA 1-A). Wayne State School of Medicine. July 2020.

<sup>208</sup> Ibid.

<sup>209</sup> Ibid.

## *Eviction Impacts the Education of Children*

When families are evicted, children experience a variety of disruptions that can negatively impact their education and behavior. When children succeed in school, it is often indicative of their needs being met in other areas of their lives.<sup>210</sup>

The National Assessment of Education Progress, known as “the Nation’s Report Card,” suggests that children who frequently change schools (i.e., more than twice in the preceding 18 months) are half as likely to be proficient in reading as their stable peers.<sup>211</sup> A study of third grade students who frequently changed schools found that students without stable housing were approximately twice as likely to perform below grade level in math compared to stably housed students.<sup>212</sup> Not only do unstably housed students perform worse in reading and math than their stable peers, they are also nearly three times more likely to repeat a grade, and the likelihood that they will graduate is reduced by more than 50%.<sup>213</sup> In Seattle, approximately 88% of survey respondents with school-aged children reported their children’s school performance suffered “very much” because of the eviction the family experienced, and approximately 86% of respondents reported their children had to move schools after the eviction.<sup>214</sup>

In Atlanta, an ongoing program embeds housing attorneys and community advocates in high schools in neighborhoods where many residents are experiencing housing instability.<sup>215</sup> As a result of this program, the enrollment turnover rate decreased by 25% to 51% in certain schools, and attorneys stopped 20 evictions and assisted with 81 other housing-related cases.<sup>216</sup>

When students miss school, academic achievement can be negatively impacted. Students who are chronically absent during early elementary grades are less likely to be reading proficiently

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<sup>210</sup> “State of the Detroit Child 2010.” Data Driven Detroit. 2010.

<sup>211</sup> Isaacs, Julia and Lovell, Phillip. “The Impact of the Mortgage Crisis on Children and Their Education.” First Focus. May 1, 2008., citing Rumberger, Russell. “The Causes and Consequences of Student Mobility.” Journal of Negro Education. 2003.

<sup>212</sup> Isaacs, Julia and Lovell, Phillip. “The Impact of the Mortgage Crisis on Children and Their Education.” First Focus. May 1, 2008., citing “Elementary School Children: Many Change Schools Frequently, Harming Their Education.” United States General Accounting Office Report. 1994.

<sup>213</sup> Ibid. And Isaacs, Julia and Lovell, Phillip. “The Impact of the Mortgage Crisis on Children and Their Education.” First Focus. May 1, 2008., citing Rumberger, 1993.

<sup>214</sup> Losing Home: The Human Cost of Eviction in Seattle.” The Seattle Women’s Commission and the Housing Justice Project of the King County Bar Association. September 2018.

<sup>215</sup> Starnes, Ashleigh and King, Katie. “Standing with Our Neighbors Featured on CBS This Morning.” Atlanta Volunteer Lawyers Foundation. March 23, 2018.

<sup>216</sup> Ibid.



by third grade and more likely to not graduate.<sup>217</sup> These challenges are also experienced by children who change schools frequently due to housing instability or homelessness.<sup>218</sup>

Researchers at University of Michigan Poverty Solutions recently linked economic and housing instability to higher rates of disciplinary action for students. Students who were housed but low-income were suspended nearly three times as frequently as housed students who were low-income (11% v. 4%).<sup>219</sup> Students experiencing homelessness were disciplined at an even higher rate (16%).<sup>220</sup>

Children who frequently move are also more likely to experience behavioral issues. Researchers analyzed survey data from the Mothers and Newborns Study, a longitudinal birth cohort maintained by the Columbia Center for Children’s Environmental Health, to ascertain certain characteristics of children born to approximately 500 mothers.<sup>221</sup> Researchers found that children who experienced housing instability were approximately twice as likely to have thought-related behavioral issues and were approximately one-and-a-half times more likely to have attention-related behavioral health issues than children who were stably housed.<sup>222</sup>

### *Eviction Causes Family Instability Causing Responses from Child Welfare and Foster Care Systems*

Poverty, housing instability, and child welfare/foster care system involvement are connected. Children of parents who are experiencing homelessness are four times more likely to become involved with the child welfare system than low-income, stably housed children.<sup>223</sup> Homelessness not only increases the likelihood that a child will be placed in foster care, but also creates barriers to family reunification once a child is placed in foster care or with other family members.<sup>224</sup> According to U.S. Department of Health and Human Services, approximately 10% of children are removed from their homes because of housing issues.<sup>225</sup> With an average

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<sup>217</sup> “How Chronic Absenteeism Affects Student Achievement.” Edmentum. 2021.

<sup>218</sup> “A Place to Call Home: The Case for Increased Federal Investments in Affordable Housing.” National Low Income Housing Coalition. 2015.

<sup>219</sup> Erb-Downward, Jennifer and Blakeslee, Michael. “Recognizing Trauma: Why School Discipline Reform Needs to Consider Student Homelessness.” University of Michigan Poverty Solutions. May 2021.

<sup>220</sup> Ibid.

<sup>221</sup> “Housing Instability Is Linked to Adverse Childhood Behavior.” Urban Institute. May 8, 2019. Referencing Gaylord, Abigail et al. “Impact of Housing Instability on Child Behavior at Age 7 Years.” International Public Health Journal. July 1, 2018.

<sup>222</sup> Ibid.

<sup>223</sup> “Housing Instability Is Linked to Adverse Childhood Behavior.” Urban Institute. May 8, 2019. Referencing Gaylord, Abigail et al. “Impact of Housing Instability on Child Behavior at Age 7 Years.” International Public Health Journal. July 1, 2018.

<sup>224</sup> “Keeping Families Together.” New Mexico Appleseed. 2013.

<sup>225</sup> “The AFCARS Report.” U.S. Department of Health and Human Services, Administration for Children and Families. October 20, 2017.

annual cost for out-of-home care of \$18,000 per child, the federal government is expected to spend \$972 million on foster care.<sup>226</sup> In contrast, providing housing and in-home services through the Family First Prevention Services Act to keep families together would cost an estimated \$276 million, an annual cost savings of \$696 million.<sup>227</sup> California spends approximately \$167 million annually in federal funds on foster care and services for children separated because of housing instability, but the state could save approximately \$72 million if it could use those funds to ensure housing was readily available when parents are eligible for reunification.<sup>228</sup>

In a survey of 77 families living in Worcester, Massachusetts shelters, approximately 19% of their children were placed in foster care compared to 8% of low-income, housed children in Worcester.<sup>229</sup> Findings from a similar survey of families experiencing homelessness in New York City indicated that 35% of families had an open child welfare case and 20% had one or more children in foster care.<sup>230</sup> A study of approximately 23,000 mothers living in Philadelphia found that approximately 37% of mothers experiencing homelessness became involved with child welfare services within the first five years of a child's birth compared to approximately 9% of mothers living in low-income neighborhoods and 4% of other mothers.<sup>231</sup> The risk of child welfare services involvement at birth is nearly seven times higher for mothers who have ever experienced homelessness than for mothers who have neither experienced homelessness nor are in the lowest 20% bracket of income.<sup>232</sup> Children born into families that have experienced homelessness were placed into foster care in approximately 62% of cases compared to approximately 40% of cases involving low-income families.<sup>233</sup>

Researchers at Case Western Reserve University in Cleveland, Ohio examined the effects of entry into foster care on children's well-being and future opportunity. The researchers found that of the students in foster care systems, more than 57% were chronically absent at school (i.e., having missed more than 10% of the days enrolled).<sup>234</sup> Additionally, nearly 80% of students

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<sup>226</sup> Letter from Ruth White of the National Center for Housing & Child Welfare to Assistant Secretary Chang of the U.S. Department of Health & Human Services. March 2021. Referencing NCHCW Cost Analysis 2021.

<sup>227</sup> Ibid.

<sup>228</sup> "The AFCARS Report." U.S. Department of Health and Human Services, Administration for Children and Families. October 20, 2017.

<sup>229</sup> Bassuk, E.L., et al. "Homelessness in Female Headed Families: Childhood and Adult Risk and Protective Factors." American Journal of Public Health. 1997.

<sup>230</sup> Nunez, R.D. "Hopes, Dreams, and Promise: The Future of Homeless Children in America." Institute for Children and Poverty, Homes for the Homeless Inc. 1994.

<sup>231</sup> Culhane, Jennifer, et. al. "Prevalence of Child Welfare Services Involvement among Homeless and Low-Income Mothers: A Five-year Birth Cohort Study." Journal of Sociology and Social Welfare. 2003.

<sup>232</sup> Ibid.

<sup>233</sup> Ibid.

<sup>234</sup> Coulton, Claudia et al. "Policy Research Brief: Effects of Foster Care and Juvenile Justice Involvement on Early Adult Outcomes: A Study of Cleveland's Youth." Case Western Reserve University. N.d.

involved in both foster care and the juvenile system were cited as being chronically absent.<sup>235</sup> Nine percent of students that had been in foster care had used homelessness services, and 14% of students that were involved in foster care and the juvenile system had used homelessness services.<sup>236</sup> Lastly, the researchers found that, of students involved with the foster care and juvenile systems who began ninth grade, only 23% were still enrolled during twelfth grade compared to 58% of non-system involved students.<sup>237</sup> These factors indicate that students removed from their families are more often absent in school, drop out of school prior to completion, or use homelessness services.

A first of its kind study in Sweden examined to what extent children from evicted households were separated from their families and placed in foster care. The study found that approximately 4% of evicted children were removed from their families compared to 0.3% of non-evicted children.<sup>238</sup> An American study, using a nationally representative longitudinal data set, explored the prevalence of inadequate housing among families under investigation by child welfare services agencies.<sup>239</sup> Findings indicated that inadequate housing contributed to 16% of child removals among families under investigation by child protective services.<sup>240</sup>

The Administration for Children and Families, a division of the U.S. Department of Health and Human Services, issued in January 2021 an Information Memorandum (IM) highlighting the importance of civil legal services in advancing child and family well-being, addressing social determinants of health, and enhancing community resiliency.<sup>241</sup> The IM cites housing, access to adequate housing, habitability, and eviction as civil legal issues that, if left unresolved, can become a major impediment to keeping families together.<sup>242</sup>

### *Eviction Causes Community Instability*

Researchers have investigated how high eviction rates unravel the social fabric of communities. When evictions take place on a large scale, the effects are felt beyond the family being evicted; a social problem that destabilizes communities occurs.<sup>243</sup> More than middle- and upper-income households, low-income households rely heavily on their neighbors. For example, individuals in low-income communities depend on each other for childcare, elder care, transportation, and

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<sup>235</sup> Ibid.

<sup>236</sup> Ibid.

<sup>237</sup> Ibid.

<sup>238</sup> Berg, Lisa. "Evicted children and subsequent placement in out-of-home care: A cohort study." Centre for Health Equity Studies, Department of Public Health Sciences, Stockholm University. April 18, 2018.

<sup>239</sup> Fowler, PJ, et. al. "Inadequate housing among families under investigation for child abuse and neglect: prevalence from a national probability sample." American Journal of Community Psychology. 2013.

<sup>240</sup> Ibid.

<sup>241</sup> ACYF-CB-IM-21-02.

<sup>242</sup> Ibid.

<sup>243</sup> Blumgart, Jake. "To reduce unfair evictions tenants need lawyers." Plan Philly. March 16, 2017

security because they cannot afford to pay for these services independently. These informal support networks develop over time, particularly in communities with no or minimal social safety nets.<sup>244</sup> However, these informal support networks are fragile, and when people are displaced from their communities, the networks are more likely to become strained.<sup>245</sup>

The lack of formal social safety net supports is then further exacerbated because the informal support networks that were once there are gone because people providing those supports have been displaced.<sup>246</sup> Thus, people living in these communities can become more susceptible to crises.<sup>247</sup> Matthew Desmond has indicated through his work that eviction can account for high residential instability rates in neighborhoods with high levels of poverty, holding all other factors equal.<sup>248</sup>

Community instability can also manifest due to the association between eviction and interaction with the criminal system. A 2018 first of its kind study analyzed data from the national Fragile Families and Child Wellbeing Study and estimated that mothers who have been evicted are more than twice as likely than mothers who have never been evicted to be involved with the criminal system.<sup>249</sup> This finding is consistent with other studies of housing instability, homelessness, criminal behavior, and incarceration.

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<sup>244</sup> Mah, Julie. “Gentrification-Induced Displacement in Detroit, Michigan: An Analysis of Evictions.” Housing Policy Debate. 2020.

<sup>245</sup> Ibid.

<sup>246</sup> Ibid.

<sup>247</sup> Ibid.

<sup>248</sup> Johns-Wolfe, Elaina. “You are being asked to leave the premises: A Study of Eviction in Cincinnati and Hamilton County, Ohio, 2014-2017.” The Cincinnati Project. June 2018. Referencing Desmond, Matthew. “Community in Crisis: Understanding Housing Insecurity.” Northern Kentucky University. 2018.

<sup>249</sup> Gottlieb, Aaron and Moose, Jessica W. “The Effect of Eviction on Maternal Criminal Justice Involvement.” SAGE. 2018.

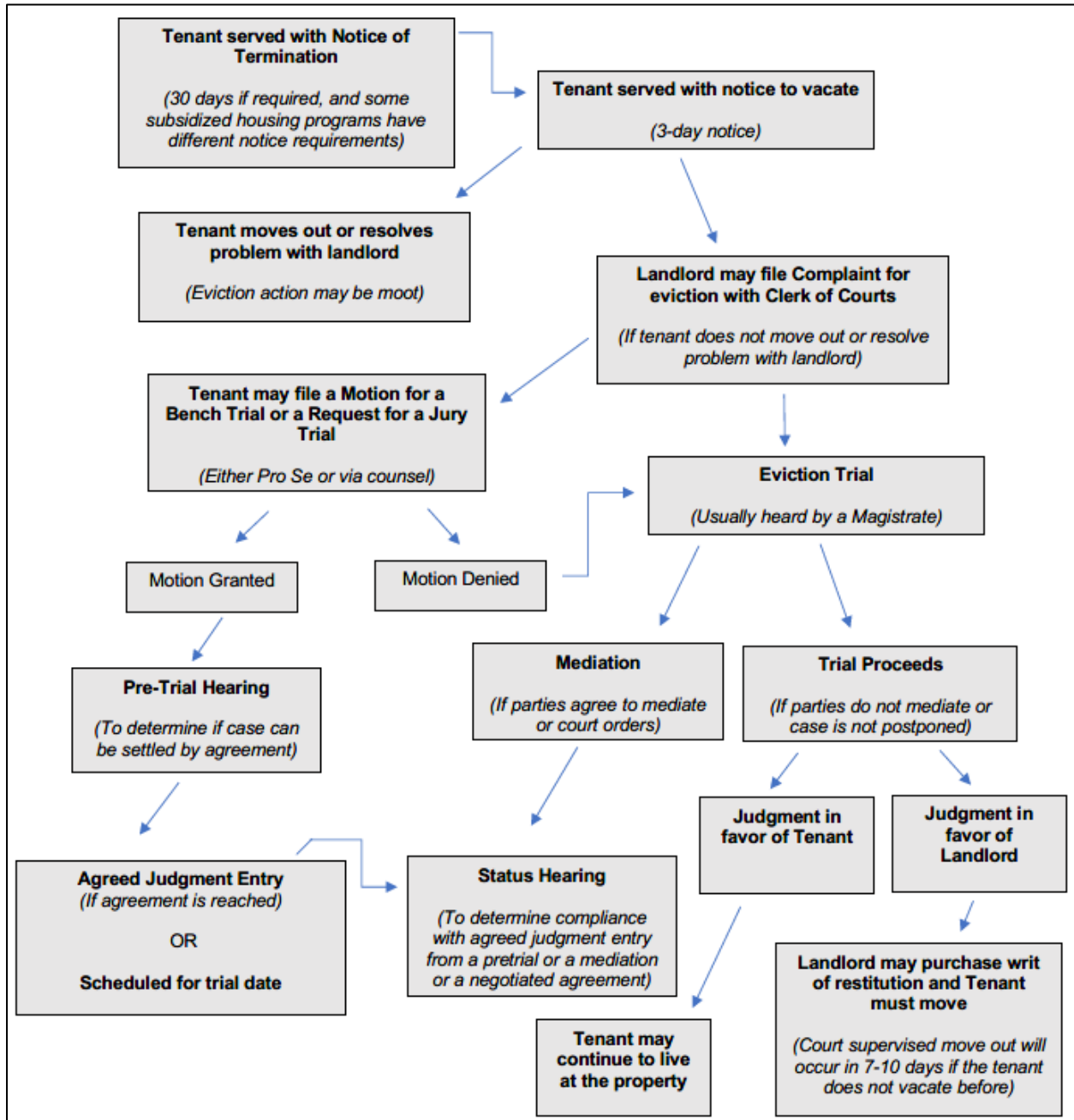
# Appendix B-Cleveland's Eviction Process

1. **Notice of Termination:** The eviction process in Cleveland begins with the landlord giving the tenant one or more notices. The content and duration of the notices the landlord must serve depend on the grounds on which the landlord is bringing the eviction action. In some situations, a landlord must first serve a notice of termination of tenancy. Those situations would include cases in which the landlord is terminating a month-to-month tenancy or cases in which the landlord believes that the tenant is violating one of the tenant's obligations under the Ohio Revised Code that materially affects health and safety (e.g., poor housekeeping). In other situations, e.g., where the tenancy is federally subsidized, the federal regulations may require the landlord to serve a ten (10) day notice of termination to begin the eviction process.
2. **Notice to Vacate/Three Day Notice:** Not every tenant is entitled to receive a notice of termination of tenancy. However, in nearly every eviction case, the landlord must serve the tenant a three (3) day notice to vacate. In some cases, e.g., nonpayment of rent in non-subsidized housing, the three-day notice is the only notice that must be served. In other cases, such as the ones described above, the landlord must serve a three-day notice to vacate after the expiration of the notice of termination of tenancy. Proper service of the three-day notice to vacate is what gives the Court the jurisdiction to hear the case.
3. **The Complaint:** If the tenant does not resolve the dispute with the landlord or move by the time the three-day notice expires, the landlord then may file a Complaint with the Clerk of Court. Most landlord Complaints include one or two claims. The first claim in the Complaint, sometimes called the "first cause of action," is the landlord's request that the tenant be evicted. The landlord also may sue for money owed, for back rent or damages. This claim often is called the "second cause of action." In many courts, including the Cleveland Housing Court, the landlord may file both the first and second cause of action in the same Complaint. The landlord is not required to file a second cause of action, but often does. The Clerk of Court prepares a copy of the Complaint and a Summons, which contains the court time and date. The Summons and Complaint are either sent to the tenant by mail or delivered by the Court's bailiffs.
4. The Court usually sets the hearing on the eviction claim (first cause of action) for a date between twenty-one (21) and thirty (30) days from the filing date. If the landlord is suing for money damages as well (second cause of action), that claim usually is set for a separate hearing, to be held later; the tenant must file an answer to the complaint to deny the landlord's allegations before the second cause trial date.
5. **The Trial:** The first cause of action usually is heard by a magistrate, who is a licensed attorney who hears cases for the Judge and recommends a decision. The magistrate may hear twenty-five cases or more in a docket. While one hearing is going on, the other people with cases wait for their hearing.

6. The tenant does not have to file a written answer to the first cause to raise defenses; the tenant can raise any defenses they have at trial. If the tenant does not go to the first cause hearing, the Court still must take testimony from the landlord and the landlord's witnesses and try the case as if the tenant were present. The landlord does not automatically win just because the tenant does not appear.
7. At the first cause hearing, the landlord must prove that the grounds for eviction alleged in the complaint are true, that the landlord is the person or entity entitled to possession of the premises, and that the landlord has served all required notices. Rent receipts, damage estimates, photographs, police reports, and witness testimony may be presented. The tenant may contest the landlord's allegations and raise legal defenses by cross-examining the landlord and the landlord's witnesses, offering the tenant's own testimony or that of witnesses, and by introducing documents.
8. The magistrate usually will announce the decision at the hearing. If judgment is in favor of the landlord, the magistrate announces a date seven (7) to ten (10) days from the hearing, after which if the tenant has not moved themselves and their belongings out of the premises, the landlord can conduct a court-supervised move out. If the judgment is in favor of the tenant, the tenant may remain in the premises.
9. **Continuances, Motions for Bench Trial/Jury Demands:** Some cases involve complicated facts or questions of law or may require several witnesses for trial. The tenant in those cases, usually if represented by an attorney, may file a Motion for Bench Trial, asking the Court to remove the case from the general call and set the case for pretrial conference. If the Court grants the tenant's motion, the case is set for a pretrial conference with a magistrate. At the pretrial, the Court and the parties and their attorneys will discuss the case and see if it can be settled by agreement. If an agreement can be reached, the case is settled with an agreed judgment entry. Otherwise, the pretrial may be used to set case deadlines and a date for the trial before the magistrate. A similar process is followed if the tenant requests a jury trial.
10. If the tenant requests a continuance (postponement) of a hearing, or if the Court postpones the case because of the tenant's motion for bench trial, and that postponement is for more than eight days, the Court usually requires the tenant to pay a bond to protect the landlord's interest while the case progresses. Bond is usually equal to the tenant's monthly rent and is paid into the Court.
11. **Court-Supervised Move Out:** If the landlord is granted judgment, the landlord may purchase a writ of restitution and schedule a court-supervised move out. The bailiffs place a green "tag" on the tenant's door, to let the tenant know that they will be moved out on or after a specific date set by the Court. If the tenant does not leave by the scheduled date, the landlord may proceed with the court-supervised move out. At the court-supervised move out, the court's bailiffs remove the tenant and any other occupants from the premises, while



movers hired by the landlord physically remove the tenant’s belongings and set them on the street. The bailiffs remain at the premises while the tenant’s belongings are removed, to keep the peace. The figure below shows this process.





# Appendix C-Stout's Profile and Qualifications

Stout Risius Ross, LLC (Stout) is a global investment bank and advisory firm specializing in corporate finance, valuation, financial disputes, and investigations. In addition to these services, Stout’s professionals have expertise in strategy consulting involving a variety of socioeconomic issues, including issues of or related to access to justice and the needs of low-income individuals and communities.

Under the direction of Neil Steinkamp, who leads Stout’s Transformative Change Consulting practice, Stout is a recognized leader in the civil legal services community and offers the following services:

- Economic impact assessments and policy research for civil legal services initiatives
- Strategy consulting and action plan development for issues relating to access to justice
- Non-profit budget development, review, and recommendations
- Cost-benefit and impact analyses for non-profit initiatives and activities
- Data-driven program evaluation and implementation
- Dispute consulting and damages analyses for low-income individuals.

Neil Steinkamp is a Managing Director at Stout and a well-recognized expert and consultant on a range of strategic, corporate, and financial issues for businesses, non-profit organizations and community leaders and their advisors. Neil has extensive experience in the development of strategic plans, impact analyses, data evaluation, and organizational change. His work often includes assessments of data reporting, data collection processes, the interpretation or understanding of structured and unstructured data, the review of documents and databases, the development of iterative process improvement strategies, the creation of data monitoring platforms to facilitate sustained incremental change toward a particular outcome and creating collaborative environments. Mr. Steinkamp also has premier experiencing with housing related issues, including eviction. He has authored numerous economic impact studies on providing low-income tenants with attorneys in eviction proceedings, one of which assisted in the passing of New York City’s historic right to counsel law. Mr. Steinkamp also currently serves as the court-appointed Independent Data Analyst in *Baez v. New York City Housing Authority* overseeing NYCHA’s compliance with the timely remediation of mold and leak work orders.

In mid-2020, Stout developed innovative analyses of tenant household instability caused by the COVID-19 pandemic, the estimated rental debt owed, and estimates of how that instability could result in an unprecedented number of eviction filings in states throughout the country. Stout’s research and analyses have been cited in local and national publications, including, but not limited to, The New York Times, The Washington Post, CNBC, Reuters, Forbes, Politico, and Bloomberg, and was referenced in the Centers for Disease Control and Prevention September 4, 2020 Order enacting a nationwide eviction moratorium. Stout also maintains an [Eviction Right to Counsel Resource Center](#) which includes Stout’s eviction cost-benefit analyses

as well as a compilation of resources related to the eviction process, housing instability, racial bias, the impacts and economic costs of eviction, and draft and enacted legislation.

Stout has been engaged by more than 50 non-profit organizations serving low-income communities across the United States. These engagements often included program or public policy evaluations, return on investment analyses, and strategic action planning.

Over the past 7 years, Stout has developed premier expertise in analyzing data from and evaluating the impact of eviction-related programs, including but not limited to eviction rights to counsel, eviction diversion initiatives (pre- and post-filing), eviction prevention and defense programs, emergency rental assistance, expanded legal representation, and access to brief services. Stout has provided eviction-related consulting services or assistance in nearly 40 jurisdictions:

- Alaska
- Atlanta
- Baltimore
- Boston
- Chattanooga
- Chicago (Cook County)
- Cleveland
- Columbus (Ohio)
- Connecticut
- Delaware
- Detroit
- Fort Wayne
- Grand Rapids
- Harris County (Texas)
- Indianapolis
- Kings County (Brooklyn, NYC)
- Lansing
- Las Vegas
- Los Angeles (city and county)
- Maryland (statewide)
- Miami-Dade
- Milwaukee County
- Nashville
- Newark
- New Orleans
- New York City
- New York State (outside of New York City)
- Oakland County (Michigan)
- Pennsylvania (statewide)
- Philadelphia
- Portland (Oregon)
- Rhode Island
- South Carolina
- St. Petersburg
- Suffolk County (New York)
- Toledo
- Washington, DC

Stout is currently serving as the evaluator of eviction right to counsels in Cleveland, Milwaukee, Connecticut, and Maryland. Stout has conducted eviction right to counsel fiscal return on investment analyses and independent expert reports for advocates, coalitions, bar associations or government agencies in Baltimore, Delaware, Detroit, Newark, Pennsylvania, New York City, Philadelphia, Los Angeles, New York (outside of New York City) and South Carolina. Following the release of Stout's reports in Baltimore, New York City, Philadelphia, and Detroit eviction right to counsel legislation was enacted. In these engagements, Stout worked closely with funders/potential funders, legal services organizations, rental property owners, academics studying housing and eviction, government agencies and the continuum of care, non-profits serving low-income residents, community organizers, and impacted residents.